

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

**DEFENDANT CHINA NORTH INDUSTRIES CORPORATION'S
EVIDENTIARY SUBMISSION IN SUPPORT OF ITS
MOTION FOR SUMMARY JUDGMENT**

Defendant China North Industries Corporation hereby files the attached Evidentiary Submission in Support of Its Motion for Summary Judgment.

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| | |
|--|-----------|
| Deposition of Plaintiff Brian Bonner | Exhibit A |
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| Deposition of Tyler Knowles | Exhibit D |
| Deposition of Chris Dennis | Exhibit E |
| Deposition of Bobbie Dennis | Exhibit F |
| Report of John T. Butters | Exhibit G |

Respectfully submitted,

s/ James C. Barton, Jr.

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s/ Alan D. Mathis

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OF COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the above and foregoing with the Clerk of the Court on February 14, 2008, using the CM/ECF system, which will send notification of such filing to the following:

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s/ Alan D. Mathis
Of Counsel

EXHIBIT A

| | Page 1 | Page 3 |
|----|--|--|
| 1 | IN THE CIRCUIT COURT OF | |
| 2 | CHAMBERS COUNTY, ALABAMA | |
| 3 | | |
| 4 | CASE NUMBER: CV-05-02 | 1 2006, along with the exhibits. |
| 5 | Brian Bonner, et al., | 2 Please be advised that this is the |
| 6 | Plaintiff, | 3 same and not retained by the Court Reporter, |
| 7 | vs. | 4 nor filed with the Court. |
| 8 | Interstate Arms Corporation, et al., | 5 ***** |
| 9 | Defendants. | 6 |
| 10 | | 7 |
| 11 | STIPULATION | 8 |
| 12 | IT IS STIPULATED AND AGREED by and | 9 |
| 13 | between the parties through their respective | 10 |
| 14 | counsel, that the videotaped deposition of | 11 |
| 15 | Brian Joseph Bonner may be taken before Sara | 12 |
| 16 | Mahler, CSR, at the offices of the Wooten | 13 |
| 17 | Law Firm, at 10 Second Avenue S.E., | 14 |
| 18 | LaFayette, Alabama 36862, on the 8th day of | 15 |
| 19 | June, 2006. | 16 |
| 20 | | 17 |
| 21 | VIDEOTAPED DEPOSITION OF BRIAN JOSEPH BONNER | 18 |
| 22 | | 19 |
| 23 | 48320 | 20 |
| | | 21 |
| | | 22 |
| | | 23 |
| | Page 2 | Page 4 |
| 1 | IT IS FURTHER STIPULATED AND | 1 ***** |
| 2 | AGREED that the signature to and the reading | 2 |
| 3 | of the deposition by the witness is waived, | 3 |
| 4 | the deposition to have the same force and | 4 |
| 5 | effect as if full compliance had been had | 5 |
| 6 | with all laws and Rules of Court relating to | 6 |
| 7 | the taking of depositions. | 7 |
| 8 | IT IS FURTHER STIPULATED AND | 8 |
| 9 | AGREED that it shall not be necessary for | 9 |
| 10 | any objections to be made by counsel to any | 10 |
| 11 | questions except as to form or leading | 11 |
| 12 | questions, and that counsel for the parties | 12 |
| 13 | may make objections and assign grounds at | 13 |
| 14 | the time of the trial, or at the time said | 14 |
| 15 | deposition is offered in evidence, or prior | 15 |
| 16 | thereto. | 16 |
| 17 | IT IS FURTHER STIPULATED AND | 17 |
| 18 | AGREED that in accordance with Rule 5(d) of | 18 |
| 19 | The Alabama Rules of Civil Procedure, as | 19 |
| 20 | Amended, effective May 15, 1988, I, Sara | 20 |
| 21 | Mahler, am hereby delivering to Todd M. | 21 |
| 22 | Higey the original transcript of the oral | 22 |
| 23 | testimony taken on the 8th day of June, | 23 |

1 (Pages 1 to 4)

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1 IN THE CIRCUIT COURT OF
2 CHAMBERS COUNTY, ALABAMA
3

4 CASE NUMBER: CV-05-02
5 Brian Bonner, et al.,
6 Plaintiff,
7 vs.
8 Interstate Arms Corporation, et al.,
9 Defendants.

10 BEFORE:
11 SARA MAHLER, Commissioner.
12 APPEARANCES:

13 DAVID W. HODGE, ESQUIRE, of
14 Pittman, Hooks, Dutton, Kirby & Hellums,
15 2001 Park Place North, Suite 1100,
16 Birmingham, Alabama 35203, appearing on
17 behalf of the Plaintiff.

18 NICK WOOTEN, ESQUIRE, of the
19 Wooten Law Firm, 10 Second Avenue S.E.,
20 LaFayette, Alabama 36862, appearing on
21 behalf of the Plaintiff.

22 TODD M. HIGEY, ESQUIRE, of Adams

Page 7

1 S.E., LaFayette, Alabama 36862, beginning at
2 10:25 a.m., Brian Joseph Bonner, witness in
3 the above cause, for oral examination,
4 whereupon the following proceedings were
5 had:

6 VIDEOGRAPHER: Here begins
7 videotape number one in the deposition of
8 Brian Bonner in the matter of Brian Bonner V
9 Interstate Arms, case number CV 2005-02.

10 This deposition is taking
11 place at the office of Nick Wooten in
12 Lafayette, Alabama. Today's date is
13 Thursday, June 8, 2006.

14 We're on the Record at 10:28.
15 Would Counsel present -- 10:24. Would
16 Counsel present please identify themselves
17 and state whom they represent.

18 MR. HODGES: David Hodges and
19 Nick Wooten on behalf of the plaintiff.

20 MR. HIGEY: Todd Higey on
21 behalf of Interstate Arms.

22 MR. GILLUM: Randolph Gillum,
23 for Paul Goodey.

Page 6

1 and Reese, 2100 Third Avenue North, Suite
2 1100, Birmingham, Alabama 35203, appearing
3 on behalf of the Defendant, Interstate Arms.

4 CURT JOHNSON, ESQUIRE, of Johnson,
5 Caldwell & McCoy, 117 North Lanier Avenue,
6 Suite 201, Lanett, Alabama 36863, appearing
7 on behalf of the Defendant, Interstate Arms.

8 RANDOLPH GILLUM, ESQUIRE, of
9 Rogers & Associates, 3000 Riverchase
10 Galleria, Suite 650, Birmingham, Alabama
11 35244, appearing on behalf of the Defendant,
12 Pawn City.

13 Also Present: Owena Kay Knowles
14 Austin Burdick

15 I, SARA MAHLER, CSR, a Court
16 Reporter of Wetumpka, Alabama, acting as
17 Commissioner, certify that on this date, as
18 provided by the Alabama Rules of Civil
19 Procedure and the foregoing stipulation of
20 counsel, there came before me at the offices
21 of the Wooten Law Firm, 10 Second Avenue

Page 8

1 MR. JOHNSON: Curt Johnson,
2 Interstate Arms.

3 VIDEOGRAPHER: Will the
4 reporter please swear in the witness.

5 BRIAN JOSEPH BONNER,
6 being first duly sworn, was examined and
7 testified as follows:

8 COURT REPORTER: Usual
9 stipulations?

10 MR. HIGEY: That's fine.
11 MR. HODGE: That's fine for
12 the plaintiff.

13 MR. GILLUM: That's fine.
14 EXAMINATION

15 BY MR. HIGEY:

16 Q. Mr. Bonner, could you please
17 state your name.

18 A. Brian Joseph Bonner.

19 Q. And what's your address,
20 Mr. Bonner?

21 A. 3013 Hopewell Road in Valley.

22 Q. Mr. Bonner, have you given a
23 deposition before?

2 (Pages 5 to 8)

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Page 11

1 A. No, sir.
 2 Q. As we go through this
 3 deposition, Mr. Bonner, let me lay out a few
 4 ground rules, hopefully, that will help as
 5 we go through the deposition. First rule
 6 is, is if you could always answer my
 7 question with a yes or a no or out loud.

8 If you nod or if you do a
 9 nonverbal like an uh-huh, it's hard for our
 10 court reporter to take that down. And if
 11 you forget, that's fine. One of the two of
 12 us will probably remind you. But is that
 13 fair?

14 A. Yes, sir.

15 Q. As we go through this
 16 deposition, if you need to take a break,
 17 that's perfectly fine. This is not a
 18 marathon. So at any time, if you need to
 19 take a break, that will be fine. The only
 20 thing I would ask is that if I've asked a
 21 question, you answer the question first and
 22 then ask for a break. Okay?

23 A. Yes, sir.

1 some schooling?
 2 A. Yes, sir.
 3 Q. All right. Where are you
 4 going to school?
 5 A. Southern Union.
 6 Q. Southern Union?
 7 A. Southern Union.
 8 Q. Where is Southern Union at?
 9 A. Opelika.
 10 Q. Is that a two-year or a
 11 four-year school?
 12 A. It's kind of -- I'm not really
 13 sure about that.
 14 Q. Have you been accepted
 15 already?
 16 A. I got to go do paperwork in
 17 the next week, I think, the next couple of
 18 weeks.
 19 Q. Now, what is your Social
 20 Security number?
 21 A. 421-27-4971.
 22 Q. All right. And tell me who
 23 your mama and your daddy are.

Page 10

Page 12

1 Q. And if I ask a question that
 2 you don't understand or is confusing to you,
 3 please let me know and I'll do my best to
 4 ask a better question. Okay?

5 A. Yes, sir.

6 Q. All right. Mr. Bonner, what
 7 is your current age?

8 A. Nineteen.

9 Q. All right. And your date of
 10 birth?

11 A. 1/4/87.

12 Q. Have you graduated from high
 13 school?

14 A. Just have, yes, sir.

15 Q. All right. What high school
 16 did you graduate from?

17 A. Valley High School.

18 Q. All right. What do you intend
 19 on doing now that you've graduated from high
 20 school?

21 A. Now, I guess business and
 22 accounting.

23 Q. Are you going to go on and get

1 A. My real dad?
 2 Q. Yes.
 3 A. Kenneth Bonner. And my mama
 4 is Kay Knowles.
 5 Q. Who is your stepdaddy?
 6 A. Jim Knowles.
 7 Q. All right. Did you live with
 8 your -- with Kenneth Bonner at any time,
 9 growing up?
 10 A. No, sir.
 11 Q. All right. You've always
 12 lived with Mr. and Mrs. Knowles?
 13 A. Yes, sir. Well, both of them
 14 since they were married. At first it was
 15 just my mom.
 16 Q. All right. About how old were
 17 you when they got married?
 18 A. Probably eleven. Twelve or
 19 eleven, somewhere around in there.
 20 Q. During high school, what kind
 21 of courses did you take?
 22 A. Math, science, history, some
 23 more math, P.E. Let's see. I guess that's

3 (Pages 9 to 12)

| | |
|---|---|
| Page 13 | Page 15 |
| 1 pretty much about it. | 1 A. Yes, ma'am -- I mean, yes, |
| 2 Q. Did you take any vocational or | 2 sir. |
| 3 technical courses? | 3 Q. Did you talk to the head of |
| 4 A. I took automotive. | 4 the automotive training class about whether |
| 5 Q. All right. About how old were | 5 or not you could continue to do that kind of |
| 6 you when you took automotive? | 6 work? |
| 7 A. I was in the tenth grade. So | 7 A. No, sir. But I stayed in the |
| 8 I was probably about sixteen. | 8 class until the end of the school year. |
| 9 Q. What did you do in the | 9 Q. After this incident happened? |
| 10 automotive course? | 10 A. Yes, sir. Mainly watching |
| 11 A. Worked on cars and changed | 11 everybody else do it, just stayed in there. |
| 12 brakes, tires, stuff like that. | 12 Q. Did you have any other |
| 13 Q. That was a hands-on course? | 13 vocational or technical training while in |
| 14 A. Yes, sir. | 14 high school, other than this automotive? |
| 15 Q. You're actually working with | 15 A. No, sir. |
| 16 the cars? | 16 Q. Did you participate in any |
| 17 A. Yes, sir. | 17 clubs or associations in high school? |
| 18 Q. And you're working with the | 18 A. No, sir. |
| 19 engines? | 19 Q. Outside of school, do you have |
| 20 A. No, sir. Not at that time. | 20 any hobbies? |
| 21 Q. All right. What were you | 21 A. Worked on my car a little bit |
| 22 working with on the cars at that time? | 22 and shoot guns and hang out with my friends. |
| 23 A. Tires, rotating them, changing | 23 Q. What kind of work do you like |
| Page 14 | Page 16 |
| 1 them. Let's see. Spark plugs, brakes. | 1 to do on your car? |
| 2 More or less stuff like that. | 2 A. If something goes wrong with |
| 3 Q. Did you change out any timing | 3 it, I like to fix it. |
| 4 belts? | 4 Q. Does this include working with |
| 5 A. No, sir. | 5 the engine? |
| 6 Q. What about exhaust work? | 6 A. If I've had to change spark |
| 7 A. No, sir. Not in that class. | 7 plugs and stuff like that, yes, sir. |
| 8 Q. Subsequently, did you take any | 8 Q. Have you ever rebuilt an |
| 9 classes where you did engine work? | 9 engine? |
| 10 A. No, sir. I've always wanted | 10 A. No, sir. |
| 11 to, but didn't get a chance. | 11 Q. What does your stepdaddy do? |
| 12 Q. And why is that? | 12 A. He works on lawn mowers. He |
| 13 A. My school more or less told me | 13 owns his own business. |
| 14 I wasn't capable of going back into | 14 Q. Does he work on any other |
| 15 automotive class because of my hand, | 15 motor equipment besides lawn mowers? |
| 16 so . . . | 16 A. No, sir. |
| 17 Q. Who at the school told you | 17 Q. Do you ever work with him? |
| 18 that? | 18 A. Yes, sir. |
| 19 A. I think it was the counselor. | 19 Q. All right. When did you start |
| 20 Q. What was this counselor's | 20 working with him on lawn mowers? |
| 21 name? | 21 A. Since him and mom started the |
| 22 A. I can't remember her name. | 22 business. |
| 23 Q. It was a lady? | 23 Q. And how old were you at that |

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1 time?
 2 A. About twelve, thirteen.
 3 Q. And would you do any engine
 4 work on the lawn mowers?
 5 A. I would help, yes, sir, and
 6 watching him do everything. So he would
 7 show me.
 8 Q. Are you working anywhere right
 9 now?
 10 A. No, sir.
 11 Q. What's the last job held?
 12 A. Chicken Stop in Hugely.
 13 Q. And what was your job there?
 14 A. Cooking, cleaning and fixing
 15 plates.
 16 Q. When did you hold that job?
 17 A. I think -- I can't remember
 18 what month it was when I started working
 19 there, but I worked there for maybe a year
 20 or so.
 21 Q. Was this before or after your
 22 injury?
 23 A. Before and a little bit after.

Page 19

1 A. Yes, sir.
 2 Q. Okay. Where were these guns
 3 kept?
 4 A. In her closet.
 5 Q. All right. And what guns did
 6 she keep before you and -- Excuse me. --
 7 before she and your stepdaddy got married?
 8 A. 20 gauge, shotguns and
 9 pistols.
 10 Q. When she married your
 11 stepdaddy, did he bring any guns?
 12 A. Yes, sir. He had a few of
 13 them.
 14 Q. What did he bring?
 15 A. Rifles, shotguns and pistols.
 16 Q. 12-gauge shotguns?
 17 A. 12 gauges. And I think -- I
 18 think. I'm not sure if he had a 20 gauge or
 19 not, but he had some 38s and 308s and 30
 20 aught 6s.
 21 Q. Now, what kind of shooting did
 22 you do when you were younger, before your
 23 stepdaddy came into the scene?

Page 18

1 Q. Did you play in any organized
 2 sports?
 3 A. No, sir.
 4 Q. Did you play in any intramural
 5 sports at the school or in any sort of
 6 sports club?
 7 A. No, sir.
 8 Q. How old were you when you
 9 first started using guns?
 10 A. I can't remember the exact
 11 age, but I was young.
 12 Q. Was this before your mama and
 13 your stepdaddy got married?
 14 A. Yes, sir.
 15 Q. And what kinds of guns did you
 16 use when you were younger?
 17 A. 410s, 22s, 12 gauges, 20
 18 gauges, 357s, 38s.
 19 Q. So, you used rifles, shotguns?
 20 A. And pistols.
 21 Q. And pistols. Now, before your
 22 mama and your stepdaddy got married, did
 23 your mama keep guns in the house?

Page 20

1 A. Just target shooting.
 2 Q. All right. And where would
 3 you do that?
 4 A. Either at some of my mom's
 5 friends houses, or just more or less places
 6 like that. And my real dad, whenever we
 7 went to see him, took us to, like, shooting
 8 ranges.
 9 Q. All right. And what would you
 10 target shoot with?
 11 A. More or less probably a rifle
 12 or a shotgun.
 13 Q. Did you do any target shooting
 14 with pistols?
 15 A. I think we did a few times,
 16 but I'm not sure.
 17 Q. Did you do any hunting?
 18 A. No, sir. I've never been
 19 hunting.
 20 Q. You wouldn't do any rabbit or
 21 squirrel hunting?
 22 A. No, sir.
 23 Q. So, it was strictly target

5 (Pages 17 to 20)

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Page 21

1 shooting?
 2 A. Just strictly target shooting.
 3 Q. Would you shoot any sporting
 4 clays?
 5 A. No, sir.
 6 Q. You'd be shooting at a
 7 stationary target?
 8 A. Stationary targets, yes, sir.
 9 Q. Who was the first person that
 10 taught you about how to use a gun and use
 11 one safely?
 12 A. My mom and my real dad.
 13 Q. When did your mom and your
 14 real dad break up? About how old were you?
 15 A. Probably one or if not before.
 16 Q. And how old were you when this
 17 injury happened?
 18 A. I was sixteen.
 19 Q. At the time it happened, did
 20 you have any guns that you considered to be
 21 yours?
 22 A. Mine, myself?
 23 Q. Yes.

1 A. I think I had three guns.
 2 Q. What were they?
 3 A. I had a 410 that my mom got me
 4 years and years ago. And I got a 270 for
 5 Christmas. And I had that shotgun.
 6 Q. Since your injury, have you
 7 continued to shoot firearms?
 8 A. Yes, sir. But it's very hard.
 9 Q. When is the last time you shot
 10 firearms?
 11 A. Probably about six months ago.
 12 Q. All right. Have you shot
 13 shotguns?
 14 A. Yes, sir.
 15 Q. Rifles?
 16 A. I have shot my rifle a few
 17 times.
 18 Q. Since this incident?
 19 A. Yes, sir.
 20 Q. And handguns, have you shot
 21 handguns or pistols?
 22 A. No, sir.
 23 Q. Are you right-handed or

1 left-handed?
 2 A. Now I'm trying to be
 3 left-handed, but I was right-handed.
 4 Q. When this injury occurred, you
 5 were right-handed at that time?
 6 A. Yes, sir.
 7 Q. Since this incident, when
 8 you've shot firearms, has it been target
 9 shooting?
 10 A. Yes, sir.
 11 Q. Have you done any hunting?
 12 A. No, sir.
 13 Q. What range do you like to
 14 shoot at?
 15 A. Maybe from that wall to that
 16 wall.
 17 Q. Is there a location, a
 18 specific range or business you like to go to
 19 where you can do some target shooting?
 20 A. We just stay on our land and
 21 shoot.
 22 Q. How much land do y'all have?
 23 A. Fifteen acres.

Page 22

1 A. I think I had three guns.
 2 Q. What were they?
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 4 years and years ago. And I got a 270 for
 5 Christmas. And I had that shotgun.
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 7 continued to shoot firearms?
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 12 Q. All right. Have you shot
 13 shotguns?
 14 A. Yes, sir.
 15 Q. Rifles?
 16 A. I have shot my rifle a few
 17 times.
 18 Q. Since this incident?
 19 A. Yes, sir.
 20 Q. And handguns, have you shot
 21 handguns or pistols?
 22 A. No, sir.
 23 Q. Are you right-handed or

1 Q. And that's there in Valley?
 2 A. Yes, sir.
 3 Q. Do you have any brothers or
 4 sisters?
 5 A. Yes, sir.
 6 Q. And tell me about your
 7 siblings, how many you have and how old are
 8 they.
 9 A. I've got one stepsister and
 10 two brothers. My twin brother, he's working
 11 on automotive truck stuff in Opelika. And
 12 my older brother, he's twenty-three, I
 13 think, and he's in Missouri right now, in
 14 the Army.
 15 Q. What's your older brother's
 16 name?
 17 A. Eric Bonner.
 18 Q. And your twin brother's name?
 19 A. Cody Bonner.
 20 Q. All right. And your
 21 stepsister's name?
 22 A. Amber Knowles.
 23 Q. How old is she?

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1 A. Sixteen.
 2 Q. So, she's younger than you?
 3 A. Oh, yes, sir.
 4 Q. Did you do -- Did you shoot
 5 with your twin brother?
 6 A. Yes, sir.
 7 Q. As well as with your older
 8 brother?
 9 A. Yes, sir.
 10 Q. Do you do any shooting with
 11 Amber?
 12 A. No, sir.
 13 Q. Prior to this incident, did
 14 you do any shooting with your mother?
 15 A. Yes, sir.
 16 Q. And what about with your real
 17 daddy?
 18 A. No, sir.
 19 Q. What about --
 20 A. When I was younger, I have,
 21 but not since.
 22 Q. What about with Mr. Knowles?
 23 A. Yes, sir.

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1 Q. And did you do any shooting
 2 with your granddaddy?
 3 A. When I was real young, yes,
 4 sir.
 5 Q. And we're talking about
 6 Mr. Tyler Knowles?
 7 A. I hadn't shot with him, no,
 8 sir.
 9 Q. Now he's your stepgrandfather?
 10 A. Yes, sir.
 11 Q. Tell me what you know about
 12 gun safety. What are some of the rules
 13 about gun safety?
 14 A. Never keep it loaded. If it
 15 has any shells in it, don't have it cocked
 16 back or ready to be fired until you are
 17 ready to shoot it. Always keep it on safety
 18 and never have it aimed at anybody or
 19 anything unless you know you're going to
 20 shoot a target or something.
 21 Q. Do you walk around with a
 22 loaded gun?
 23 A. No, sir.

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1 Q. Do you look into the barrel of
 2 a loaded gun?
 3 A. No, sir.
 4 Q. Do you rely on your gun
 5 safety?
 6 A. I try to.
 7 Q. All right, but do, even when
 8 the gun is on safety, but you've got a
 9 loaded gun --
 10 A. You can't always trust it.
 11 Q. All right. What kind of
 12 ammunition would you use for the
 13 twelve-gauge Norinco?
 14 A. I use birdshot.
 15 Q. Did you ever use 20 gauge
 16 ammunition with a 12 gauge?
 17 A. No, sir.
 18 Q. And why is that?
 19 A. It's not the right size. It
 20 won't shoot right.
 21 Q. And what do you do if a gun
 22 fails to fire?
 23 A. I guess, try to get somebody

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1 that knows what they're doing to check it
 2 out.
 3 Q. Do you wear eye protection?
 4 A. Yes, sir.
 5 Q. Before this incident, would
 6 you wear eye protection when you would
 7 target shoot?
 8 A. No, sir.
 9 Q. Before this incident, would
 10 you wear ear protection before you would
 11 shoot?
 12 A. Yes, sir.
 13 Q. What kind of ear protection
 14 would you use?
 15 A. Ear plugs.
 16 Q. Are these plugs or are these
 17 the --
 18 A. Just plugs.
 19 Q. Since this incident, do you
 20 wear eye protection?
 21 A. Yes, sir.
 22 Q. What kind of eye protection do
 23 you use?

7 (Pages 25 to 28)

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1 A. Just safety glasses.
 2 Q. Do you wear those over your
 3 glasses?
 4 A. Yes, sir.
 5 Q. Do you need to wear your
 6 corrective lenses when you're shooting?
 7 A. Sometimes. I got contacts. I
 8 just wear them. My mom has got to help me
 9 put them in.
 10 Q. Before this incident with
 11 these various firearms that you had in the
 12 house, would you ever take them apart,
 13 disassemble them and look at them?
 14 A. No, sir.
 15 Q. What kind of maintenance would
 16 you do on shotguns?
 17 A. Just get a cleaning kit and
 18 just clean the barrel out.
 19 Q. Would you dismount the barrel
 20 in order to clean it?
 21 A. No, sir.
 22 Q. So, you would always leave the
 23 barrel on when you cleaned it?

Page 30

1 A. Yes, sir.
 2 Q. Did you ever have occasion to
 3 pull the trigger mechanism out of the
 4 receiver of the gun?
 5 A. No, sir.
 6 Q. So, you never did any
 7 disassembly work on any of the shotguns you
 8 had?
 9 A. Never.
 10 Q. And with regard to the Norinco
 11 shotgun at issue in this case, you've never
 12 disassembled that gun?
 13 A. No, sir.
 14 Q. How did you come to have this
 15 gun?
 16 A. Me and a buddy of mine just
 17 went to a pawn shop looking at guns. And I
 18 think two or three days after that, me and
 19 my mom went and we looked at it. And I
 20 asked them questions about it. And we
 21 bought it.
 22 Q. All right. Who is the buddy
 23 that went with you?

Page 31

1 A. A buddy of mine, Sean Watson.
 2 Q. Sean Watson. Where does Sean
 3 live?
 4 A. About two or three miles up
 5 the road from where we live.
 6 Q. Do you know his street
 7 address?
 8 A. No, sir.
 9 Q. Do you know what street he is
 10 on?
 11 A. No, sir.
 12 Q. And how old was Sean at that
 13 time?
 14 A. Two years back, so he was
 15 probably, I'd say fifteen.
 16 Q. He was a little bit younger
 17 than you?
 18 A. He is a year younger than me.
 19 Q. And what shop did you go to?
 20 A. Pawn City.
 21 Q. Where is Pawn City?
 22 A. In Lanett, on, I guess you'd
 23 call it Highway 29.

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1 Q. And what gun did you look at?
 2 A. That Norinco right there.
 3 Q. And what gauge is that gun?
 4 A. 12 gauge.
 5 Q. And who did you talk to at
 6 Pawn City?
 7 A. Some guy. I can't remember
 8 his name.
 9 Q. But it was a man?
 10 A. Yes, sir.
 11 Q. Was it a black gentleman or a
 12 white gentleman?
 13 A. A white gentleman.
 14 Q. And do you know if he was the
 15 owner of the store or just someone who
 16 worked there?
 17 A. He appeared to be someone that
 18 just worked there.
 19 Q. What kinds of questions did
 20 you ask him?
 21 A. We asked him if the gun is
 22 safe, more or less safe. They've been
 23 checked out? How can I put this? It's not

8 (Pages 29 to 32)

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1 going to fall apart on me, stuff like that.
 2 Have they been checked out?
 3 Q. Now, had you looked at any
 4 guns before this?
 5 A. No, sir.
 6 Q. So, you're saying this is the
 7 first time you ever went and looked at a
 8 gun?
 9 A. I've looked at guns in
 10 Wal-Mart. But it's the first gun I actually
 11 had looked at and bought.
 12 Q. Had you ever been to Pawn City
 13 before this to look at a gun?
 14 A. Yes, sir. Once. And that's
 15 the two or three days before I bought that
 16 one.
 17 Q. Let me just make sure I get
 18 the sequence of events right, here. Had you
 19 been to Pawn City a total of two or three
 20 times?
 21 A. Two.
 22 Q. Okay. So, you went once with
 23 your friend, Sean?

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1 A. Uh-huh.
 2 Q. And then you came back a
 3 couple of days later with your mama?
 4 A. Yes, sir.
 5 Q. And when you went with your
 6 friend, Sean, that was the first time you
 7 had been to Pawn City?
 8 A. Yes, sir.
 9 Q. Had you been to any other
 10 stores before that, pawn shops or stores, to
 11 look at shotguns?
 12 A. No, sir.
 13 Q. Now, why did you want to look
 14 at a shotgun?
 15 A. Because I like shotguns. I
 16 wanted to buy one.
 17 Q. Had you used a pump shotgun
 18 before this?
 19 A. Yes, sir.
 20 Q. Whose shotgun?
 21 A. My stepdad's.
 22 Q. What kind of shotgun was that?
 23 A. 12 gauge.

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1 Q. Do you know who made that?
 2 A. I think it was a Remington.
 3 Q. And it was a pump action?
 4 A. Yes, sir.
 5 Q. And you had fired that
 6 pump-action shotgun of your stepdaddy's
 7 before?
 8 A. Yes, sir.
 9 Q. Had you ever been with an
 10 adult to go to a store while the adult
 11 purchased a firearm?
 12 A. No, sir, except the time my
 13 mom bought that one.
 14 Q. Right. I was talking about
 15 before the time your mama bought this, had
 16 you been with an adult to buy a firearm?
 17 A. No, sir.
 18 Q. Now, what made you ask the
 19 questions you've asked? For example, why
 20 did you ask about the safety of the gun?
 21 A. Because I figured it would
 22 probably be more or less the right thing to
 23 do. And my mom asked the same questions as

Page 36

1 I did.
 2 Q. All right. And you said you
 3 asked him about whether the gun would fall
 4 apart?
 5 A. I asked him: Has it been
 6 checked out? Is everything properly done?
 7 Q. You didn't ask about whether
 8 the gun would fall apart?
 9 A. No, sir.
 10 Q. When you went that first time
 11 with Sean, did you handle the gun?
 12 A. I held it, yes, sir.
 13 Q. Okay. Did you fire the gun?
 14 A. No, sir.
 15 Q. Did you inspect the gun at
 16 that time with Sean?
 17 A. I just looked at it.
 18 Q. All right.
 19 A. The guy that -- The clerk or
 20 whatever, he was pumping it and dry shooting
 21 it and stuff like that.
 22 Q. Okay. But you don't remember
 23 this clerk's name?

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| | |
|---|---|
| Page 37 | Page 39 |
| 1 A. No, sir. | 1 Q. Did you talk to your |
| 2 Q. Did this clerk indicate to you | 2 stepfather about it before purchasing it? |
| 3 whether he had test fired the gun? | 3 A. I think I talked to him about |
| 4 A. No, sir. | 4 it. |
| 5 Q. Did you look at any other guns | 5 Q. What did y'all talk about? |
| 6 while you were there? | 6 A. I just told him I seen a gun I |
| 7 A. I just looked around at them, | 7 liked. And he just more or less said: Go |
| 8 but that was the main one I actually kept my | 8 ahead and buy it. |
| 9 eye on. | 9 Q. And your mama went with you to |
| 10 Q. Did you hold any other guns? | 10 the pawn shop? |
| 11 A. No, sir. | 11 A. Yes, sir. |
| 12 Q. What attracted you to this | 12 Q. And what did y'all do when you |
| 13 particular gun? | 13 got to the pawn shop? |
| 14 A. It was black. I liked that | 14 A. We got the gun that I was |
| 15 color on that gun and the length of it. And | 15 looking at and we was -- My mom asked him |
| 16 I was looking mainly for a 12-gauge pump and | 16 some questions. I asked him a couple of |
| 17 nothing else. | 17 questions. And we purchased it. |
| 18 Q. Do you know the length of the | 18 Q. Okay. What did your mama ask? |
| 19 barrel on the gun you got? | 19 A. Mainly the same questions I |
| 20 A. I think it's an eighteen inch. | 20 did, if it's been checked out and stuff like |
| 21 Q. Now, why would you get an | 21 that. |
| 22 eighteen-inch barrel as opposed to a longer | 22 Q. What did the individual, the |
| 23 barrel? | 23 seller, or the clerk, say about it being |
| Page 38 | Page 40 |
| 1 A. It was easier for me to hold. | 1 checked out? |
| 2 Q. Did Sean look at any firearms | 2 A. He said all the guns that the |
| 3 while he was there? | 3 pawn shop has has been checked. |
| 4 A. I have no idea. | 4 Q. Do you know what that means |
| 5 Q. Now, were y'all driving at | 5 when they say they've checked a gun out? |
| 6 that time? | 6 A. I guess it means that they had |
| 7 A. Yes, sir. | 7 them all checked out and make sure they was |
| 8 Q. So, y'all drove to the pawn | 8 good guns and they weren't just trash. |
| 9 shop? | 9 Q. So, you don't know what |
| 10 A. I did, yes, sir. | 10 exactly they did to check it out? |
| 11 Q. What vehicle were you driving? | 11 A. No, sir. |
| 12 A. In my car. | 12 Q. What other questions did your |
| 13 Q. What kind of car was that? | 13 mother ask? |
| 14 A. It's a Pontiac Trans Am. | 14 A. I can't remember. |
| 15 Q. So, after you viewed this gun, | 15 Q. Do you remember anything else |
| 16 what occurred next? | 16 the clerk told you about the gun? |
| 17 A. I went to work that night. | 17 A. No, sir. |
| 18 Then the next couple of days, we came back | 18 Q. When you went the second time, |
| 19 to the pawn shop and purchased it. | 19 was it the same clerk? |
| 20 Q. Told your mama about it? | 20 A. I'm not really sure. |
| 21 A. Yes, sir. | 21 Q. It could have been someone |
| 22 Q. And your mama went with you? | 22 different? |
| 23 A. Yes, sir. | 23 A. Could have. |

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| | |
|---|--|
| Page 41 | Page 43 |
| 1 Q. Could have been the same guy? | 1 manual? |
| 2 A. It was another guy. But I | 2 A. No, sir. |
| 3 can't remember if it was the exact same guy | 3 Q. Did the subject of an owner's |
| 4 or not. | 4 manual ever come up? |
| 5 Q. Did that individual, the | 5 A. No, sir. |
| 6 second time you went, did they do anything | 6 Q. Have you ever seen an owner's |
| 7 with the gun? | 7 manual that looks like what I'm showing you? |
| 8 A. He handed it over the counter | 8 A. No, sir. |
| 9 to us and my mom got it and she looked at | 9 Q. And any of the other guns that |
| 10 it. | 10 you have at your house, were there owner's |
| 11 Q. What did she do when she | 11 manuals with those guns? |
| 12 looked at it? | 12 A. With my 270, yes, sir. |
| 13 A. Just looked around at it. | 13 Q. Do you read that owner's |
| 14 Q. Did you look at the gun that | 14 manual? |
| 15 day, too? | 15 A. Yes, sir. |
| 16 A. Yes, sir. | 16 Q. What kind of gun is a 270? |
| 17 Q. You handled it? | 17 A. A Remington. |
| 18 A. I hold it. | 18 Q. Is that a rifle? |
| 19 Q. Did you test fire it at all? | 19 A. Rifle. |
| 20 A. No, sir. | 20 Q. And you read that owner's |
| 21 Q. How would you describe the | 21 manual? |
| 22 inspection you did of the gun when you got | 22 A. Yes, sir. |
| 23 it that day? | 23 Q. And when did you get that |
| Page 42 | Page 44 |
| 1 A. It looked like a good gun, | 1 Remington 270? |
| 2 like it more or less looks now. | 2 A. It was for Christmas. I |
| 3 Q. Did you rack the action? | 3 believe it was the year that -- that year I |
| 4 A. No, sir. | 4 bought that gun. |
| 5 Q. Did you dry fire it? | 5 Q. Before or after the incident? |
| 6 A. No, sir. | 6 A. Before. |
| 7 Q. Did you mount the gun? | 7 Q. All right. So you would have |
| 8 A. No, sir. | 8 had that gun about nine or ten months, a |
| 9 Q. You didn't even mount it on | 9 little longer? |
| 10 your shoulder to see how it felt? | 10 A. About, I would say, yes, nine, |
| 11 A. Well, I kind of held it like | 11 ten months, a little longer. |
| 12 this (indicating), but I didn't, no. | 12 Q. When you purchased this gun -- |
| 13 Q. Who paid for the gun? | 13 I'm looking at the receipt here, and it |
| 14 A. I got my mom -- I gave my mom | 14 says: November 5, 2003. Does that date |
| 15 the money and she bought it. | 15 sound about right? |
| 16 Q. So, you gave her the money and | 16 A. Yes, sir. |
| 17 she bought it? | 17 Q. Okay. What did you do that |
| 18 A. Yes, sir. I wasn't old enough | 18 day when you purchased the gun? |
| 19 to buy it at the time. | 19 A. My mom took it home with her |
| 20 Q. Did you receive an owner's | 20 and I went to work after we bought it. |
| 21 manual with the gun? | 21 Q. And when did you next see or |
| 22 A. No, sir. | 22 use the gun? |
| 23 Q. Did you ask for an owner's | 23 A. Probably the very next day. |

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1 Q. Did you work at all that day?
 2 A. No, sir.
 3 Q. All right. And what did you
 4 do?
 5 A. I just more or less loaded it
 6 and shot it a few times and then put it up.
 7 Q. All right. So, this was on
 8 your property?
 9 A. Yes, sir.
 10 Q. And you went out with some
 11 shells and shot the gun?
 12 A. Yes, sir.
 13 Q. Did you shoot at any
 14 particular target?
 15 A. A piece of plywood that we had
 16 set up.
 17 Q. Was anyone with you when you
 18 shot it this first time?
 19 A. I can't remember. I think my
 20 brother, Cody, was. I can't really be sure.
 21 Q. Was your mother with you?
 22 A. She was in the house.
 23 Q. Was your stepfather with you?

1 put it inside my safe.
 2 Q. You have a gun safe?
 3 A. Yes, sir.
 4 Q. Can you -- Is the gun safe big
 5 enough that you can place the gun in
 6 assembled?
 7 A. Yes, sir.
 8 Q. You don't have to dismount the
 9 barrel?
 10 A. No, sir.
 11 Q. At any time before the
 12 incident, did you ever dismount the barrel?
 13 A. No, sir.
 14 Q. At any time before the
 15 incident, did you ever take off the cap, the
 16 magazine cap?
 17 A. No, sir.
 18 Q. Do you know how to dismount
 19 the barrel on this type of gun?
 20 A. No, sir.
 21 Q. Did you shoot it at any other
 22 time that day?
 23 A. Not that day, no, sir.

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1 A. He was at work.
 2 Q. And did you go out with a box
 3 of shells?
 4 A. No, sir. Just maybe four.
 5 Q. So, you're saying you only
 6 shot it about four times that first time?
 7 A. Yes, sir.
 8 Q. What was your experience in
 9 shooting that gun that first time?
 10 A. It seemed pretty normal, just
 11 like a regular gun that day.
 12 Q. Did you have any difficulty in
 13 racking the action?
 14 A. No, sir.
 15 Q. Did it misfire at all?
 16 A. Not that day, no, sir.
 17 Q. Did Cody fire it that day,
 18 too?
 19 A. I believe he has, yes, sir.
 20 Q. When you finished shooting,
 21 what did you do with the gun?
 22 A. I cocked it and made sure it
 23 wasn't loaded. And then I went inside and

1 Q. When did you shoot it next?
 2 A. Probably a week or so after
 3 that.
 4 Q. So, several days had gone by?
 5 A. Yes, sir. I didn't have any
 6 bullets.
 7 Q. You had to go get some shells?
 8 A. Yes, sir.
 9 Q. Where'd you get your shells?
 10 A. Wal-Mart.
 11 Q. Where is that Wal-Mart at?
 12 A. Highway 29 in Valley.
 13 Q. What kind of shells did you
 14 get?
 15 A. I think they were Remington
 16 shells.
 17 Q. Was it 12 gauge shells?
 18 A. Yes, sir.
 19 Q. What kind of load?
 20 A. Birdshot.
 21 Q. Did anyone go with you to
 22 Wal-Mart?
 23 A. I think my older brother did,

12 (Pages 45 to 48)

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1 or my mom or somebody did. I can't remember
2 who went with me.

3 **Q. What'd you do after you**
4 **got the -- How many boxes of shells did you**
5 **get?**

6 A. Just one.

7 Q. **What did you do then?**

8 A. That day I went home and
9 probably shot it a couple of times and then
10 saved the rest of the bullets for another
11 day.

12 Q. **Did anyone shoot with you that**
13 **second time?**

14 A. I can't remember.

15 Q. **And you shot on your property**
16 **again?**

17 A. Yes, sir.

18 Q. **What did you shoot at?**

19 A. The same target.

20 Q. **Did the gun misfire at all**
21 **that time?**

22 A. No, sir.

23 Q. **Did you have any difficulty**

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1 Wednesday, Thursday, or Friday. I'm not
2 really sure.

3 Q. **So, your recollection is you**
4 **shot the gun a total of three times before**
5 **the incident?**

6 A. Three or four, yes, sir.

7 Q. **Three or four?**

8 A. Yes, sir.

9 Q. **This box of shells that you**
10 **bought at Wal-Mart, is that the box of**
11 **shells you were using on the day of the**
12 **incident?**

13 A. I believe it was, yes, sir.

14 Q. **You didn't have to go back and**
15 **get more shells?**

16 A. I don't believe I did.

17 Q. **How many shells were in this**
18 **box?**

19 A. I think twenty came in the
20 box. I'm not sure.

21 Q. **At any time prior to this**
22 **incident did you drop the gun?**

23 A. No, sir.

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1 **racking the action?**

2 A. No, sir.

3 Q. **Did you notice any problems or**
4 **difficulties with the gun?**

5 A. No, sir.

6 Q. **And you're saying you only**
7 **shot a few shells?**

8 A. Yes, sir.

9 Q. **Most of the box was left?**

10 A. Yes, sir.

11 Q. **And when's the next time you**
12 **shot the gun?**

13 A. I probably shot it one more
14 time before the incident. I can't remember
15 if I did or not.

16 Q. **When did this accident occur?**
17 **What date?**

18 A. November 15th, ten days after
19 I bought the gun.

20 Q. **Do you remember what day of**
21 **the week that happened to be?**

22 A. No, sir. I think it was
23 probably -- give or take, it was maybe

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1 Q. **You never dropped it at all?**

2 A. No, sir.

3 Q. **Did anyone else drop the gun?**

4 A. No, sir.

5 Q. **At any time prior to this**
6 **incident, was the gun in the possession of**
7 **someone else, being used by someone else**
8 **when you were not around?**

9 A. No, sir.

10 Q. **Cody never used the gun while**
11 **you were not at the house?**

12 A. No, sir.

13 Q. **Did you ever ask Cody?**

14 A. I have before. I come back
15 from spending the night at a friends house,
16 he said he hasn't.

17 Q. **Okay. Did you specifically**
18 **ask Cody about this particular gun in the**
19 **ten days between it was bought and used,**
20 **whether Cody had ever used it?**

21 A. No, sir.

22 Q. **What about your older brother,**
23 **did he use the gun?**

13 (Pages 49 to 52)

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| | |
|--|--|
| <p style="text-align: right;">Page 53</p> <p>1 A. No, sir. He was moved out. 2 Q. Did your stepfather take the 3 gun out and test fire it? 4 A. No, sir. 5 Q. Did your stepfather ever 6 inspect the gun? 7 A. No, sir. 8 Q. Did your mother take it out 9 and test fire it? 10 A. No, sir. 11 Q. As far as you know, was there 12 any other person who fired that gun outside 13 your presence? 14 A. No, sir. 15 Q. What do you do to make sure 16 the gun is empty of shells? 17 A. I cock it. 18 Q. When you say cock it, do you 19 mean rack the action? 20 A. Yes, sir. I turn it over to 21 the side so I can look into the little piece 22 of metal right there. Whenever you pull it 23 back it opens. And if I don't see a shell</p> | <p style="text-align: right;">Page 55</p> <p>1 A. I cleaned the barrel yes, sir. 2 Q. How many times did you clean 3 the barrel? 4 A. Maybe once off twice. 5 Q. What did you use to clean the 6 barrel with? 7 A. The cleaning kit that my mom 8 had. 9 Q. Did you use a stick? 10 A. The metal rod and some cloths 11 and the oil I guess you're supposed to use. 12 Q. You ran the metal rod with the 13 bristles on it down the barrel? 14 A. Yes, sir. 15 Q. And what else -- Tell me your 16 procedure. Go through with me the procedure 17 for cleaning the barrel. 18 A. I put the brush on it. I run 19 it through there a couple of times. I take 20 it off. Then I put the other piece on with 21 the cloth pieces on it and I run it through 22 there a few times and make sure it's clean. 23 Q. Would you do any other steps</p> |
| <p style="text-align: right;">Page 54</p> <p>1 go in, I know it's empty. 2 Q. How do you load the shotgun? 3 A. Through the bottom. 4 Q. And you load it into the 5 magazine? 6 A. I guess that's what you call 7 it, yes, sir. 8 Q. The magazine is that tube 9 that's below the barrel? 10 A. I think that's the name of it, 11 yes, sir. 12 Q. Do you know how many shells 13 you're able to get in the magazine? 14 A. I think that one holds four or 15 five. 16 Q. Did you ever load a gun 17 directly into the chamber for the bolt? 18 A. No, sir. 19 Q. You always loaded through the 20 magazine? 21 A. Yes, sir. 22 Q. At any time prior to this 23 incident, did you clean the shotgun?</p> | <p style="text-align: right;">Page 56</p> <p>1 in cleaning the barrel? 2 A. No, sir. 3 Q. Do you use reloads? 4 A. No, sir. 5 Q. Do you know what a reload is? 6 A. When somebody remakes the 7 bullet. 8 Q. And you never used a reload? 9 A. No, sir. 10 Q. On the day of this incident, 11 what were you doing that day? 12 A. I was -- Earlier that day I 13 just got back from the pawn -- well, not 14 pawn shop, but the flea market in Phenix 15 City with my cousins. Then we went back to 16 my house and got the gun and some shells. 17 And then we went to his house. My aunt's 18 house. 19 Q. Your aunt's house? 20 A. Yes, sir. He lives with my 21 aunt -- well, he did. 22 Q. What's her name? 23 A. Bobby. It was Bobby Stewart,</p> |

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1 but now it's Bobby Dennis.
 2 Q. Dennis?
 3 A. Yes, sir.
 4 Q. But it was Stewart at the
 5 time?
 6 A. Yes, sir.
 7 Q. What's your cousin's name?
 8 A. Jason Stewart.
 9 Q. Did you buy any shells or
 10 other firearm-related things at the flea
 11 market?
 12 A. No, sir.
 13 Q. You came back from the flea
 14 market and went to your house?
 15 A. Yes, sir.
 16 Q. Were you driving?
 17 A. No, sir.
 18 Q. Who was driving?
 19 A. Jason.
 20 Q. How old was Jason?
 21 A. Eighteen, nineteen, twenty or
 22 something like that. I can't remember
 23 exactly how old he was.

1 A. B.J. Sadler.
 2 Q. He's your cousin?
 3 A. He's Jason's cousin. I say
 4 he's my cousin sometimes.
 5 Q. When you said he got shells,
 6 are you saying he got them from your house
 7 or he brought his own shells?
 8 A. He brought his own.
 9 Q. Did he bring 12 gauge shells?
 10 A. No, sir.
 11 Q. He brought 20 gauge shells?
 12 A. 20 gauge. I think he had a
 13 few 12 gauge, but I'm not really sure.
 14 Q. Did you have 12 gauge shells?
 15 A. I had 12 gauge shells, yes,
 16 sir.
 17 Q. Okay. So, you brought the 12
 18 gauge shells from your house?
 19 A. Uh-huh.
 20 Q. Was B.J. Sadler with you and
 21 Stewart in the car?
 22 A. I can't really remember. I
 23 think he came up after we got back to my

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1 Q. So, he was a few years older
 2 than you?
 3 A. Yes, sir. He's a few years
 4 older than me.
 5 Q. Had he finished high school?
 6 A. He quit.
 7 Q. And you got this Norinco
 8 shotgun from your house?
 9 A. Yes, sir.
 10 Q. Did you get any other
 11 firearms?
 12 A. I think I got my 20 gauge and
 13 270 that day, also.
 14 Q. What's your 20 gauge?
 15 A. Remington.
 16 Q. Do you know what model?
 17 A. 1100.
 18 Q. Did you get any shells from
 19 your house?
 20 A. I think my friend -- My cousin
 21 that was with me that day got the shells,
 22 his own shells.
 23 Q. Who was that?

1 aunt's house.
 2 Q. Was there anyone else with you
 3 and Jason Stewart?
 4 A. His wife, Felicia Sadler, now
 5 Felicia Stewart.
 6 Q. At the time she was Felicia
 7 Sadler?
 8 A. Yes, sir.
 9 Q. About what time of day was it
 10 when you got to your house to get your
 11 shotgun and your other guns?
 12 A. I would say probably about
 13 noon, one, two o'clock.
 14 Q. And then you went to Aunt
 15 Bobby's?
 16 A. Yes, sir.
 17 Q. Where does Aunt Bobby live?
 18 A. She used to live in Hugely.
 19 Q. Is that where -- That's where
 20 she was at the time when this occurred?
 21 A. Yes, sir.
 22 Q. All right. Do you know her
 23 street address?

15 (Pages 57 to 60)

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1 A. No, sir.
 2 Q. How much land does she have?
 3 A. I think maybe an acre or so.
 4 Q. And what did you do when you
 5 got to Aunt Bobby's?
 6 A. My stepdad was already there,
 7 he was watching a football game. And my
 8 uncle was there watching a football game.
 9 Me and my cousins went out to shoot just a
 10 few rounds.
 11 Q. And you shot on Aunt Bobby's
 12 property?
 13 A. I believe it was her property.
 14 I think it was.
 15 Q. I assume this is rural?
 16 A. Yes.
 17 Q. Is it an open field or are
 18 there woods?
 19 A. Open field and some woods.
 20 Q. And who all went out to shoot?
 21 A. Me, Jason and B.J.
 22 Q. Just three of you?
 23 A. Yes, sir.

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1 Q. And tell me how the incident
 2 happened, how you injured your hand.
 3 A. He was shooting the gun.
 4 Q. Who is he?
 5 A. B.J.
 6 Q. Okay.
 7 A. And it misfired and I got it
 8 from him. And it's the pretty much the last
 9 thing I remember. It all just happened so
 10 fast.
 11 Q. Okay. All right. When y'all
 12 went outside, what guns did you have with
 13 you?
 14 A. We had the 20 gauge, the 12
 15 gauge and the 270.
 16 Q. They were all three your guns?
 17 A. Yes, sir.
 18 Q. None of the others had guns of
 19 their own?
 20 A. They had some, but they didn't
 21 shoot with them. They didn't shoot theirs.
 22 Q. They didn't have them there
 23 that day?

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1 A. No, sir.
 2 Q. And when you went outside,
 3 were you in sight of the house when you were
 4 shooting?
 5 A. Yes, sir.
 6 Q. Were you behind the house?
 7 A. In front of it.
 8 Q. In front of it?
 9 A. A good ways in front of it.
 10 Q. And what were you shooting at?
 11 A. Just targets.
 12 Q. What kind of targets?
 13 A. Like paper targets stapled
 14 onto a tree, or just, like, a box of empty
 15 shells just off to a distance by a tree or
 16 something.
 17 Q. Were you wearing contact
 18 lenses or glasses?
 19 A. Contact lenses.
 20 Q. Did you have any safety
 21 glasses on?
 22 A. No, sir.
 23 Q. Were you wearing sunglasses?

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1 A. I think I had a pair of
 2 sunglasses with me that day, I'm not sure.
 3 Q. And you don't recall whether
 4 you were wearing them?
 5 A. No, sir.
 6 Q. All right. Did you have ear
 7 protection on?
 8 A. No, sir.
 9 Q. Did any of the other two guys
 10 where eye or ear protection?
 11 A. I don't believe they did, but
 12 I'm not really sure.
 13 Q. This was on November 15th;
 14 right?
 15 A. Yes.
 16 Q. What was the weather like that
 17 day?
 18 A. Sunny.
 19 Q. What was the temperature?
 20 A. I can't remember.
 21 Q. Do you remember what you were
 22 wearing?
 23 A. No, sir. I think it would

16 (Pages 61 to 64)

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1 have been more or less blue jeans and a
2 short-sleeved shirt.
3 Q. Did you fire any guns before
4 this incident?
5 A. That day?
6 Q. Yes, sir.
7 A. Yes, sir.
8 Q. What did you fire?
9 A. A 20 gauge and 12 gauge.
10 Q. So, you had fired this Norinco
11 12 gauge?
12 A. Uh-huh.
13 Q. While you were out there in
14 that field?
15 A. Yes, sir.
16 Q. And then you had also fired
17 the 20 gauge?
18 A. Yes, sir.
19 Q. Did you fire the 270?
20 A. No, sir. We figured the range
21 would be a little too far on it.
22 Q. You figured your target was
23 too far away?

1 Q. And did you fire all of the
2 shells that were in the magazine?
3 A. Yes, sir.
4 Q. Completely emptied the gun?
5 A. Yes, sir.
6 Q. Did you shoot a second time?
7 A. No, sir.
8 Q. What did you do at that point?
9 A. I let him shoot. And I think
10 he shot three or four rounds, two or three
11 or four rounds. Then it misfired on him.
12 And I got the gun back from him. And that's
13 pretty much the last thing I remember.
14 Q. Did you -- Did you reload the
15 gun for B.J.?
16 A. No, sir, he did.
17 Q. He loaded the gun.
18 A. (Witness nods head in the
19 affirmative.)
20 Q. That would be yes?
21 A. Yes, sir.
22 Q. And he completely filled the
23 magazine?

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1 A. We figured the bullet would go
2 a little too far.
3 Q. Now, did Jason Stewart shoot
4 the 12 gauge?
5 A. No, sir.
6 Q. Just B.J. Sadler?
7 A. Just B.J. Sadler and me.
8 Q. You shot it first?
9 A. Yes, sir.
10 Q. And about how many times did
11 you shoot it?
12 A. I think we shot it maybe three
13 or four or five times. I think he shot it
14 two or three times and then we heard
15 something. Some metal sound. And then I
16 got it from him when he misfired.
17 Q. When you shot it first, were
18 you able to rack the action without
19 difficulty?
20 A. Yes, sir.
21 Q. And did you load the magazine
22 completely with shells?
23 A. Yes, sir.

1 A. I believe so, yes.
2 Q. And he fired how many times?
3 A. Two, three or four times.
4 Q. He was firing at a target?
5 A. Yes, sir.
6 Q. Where were you standing in
7 relation to him when he was firing?
8 A. Behind him.
9 Q. Where was Jason?
10 A. Him and Felicia had to leave.
11 Q. So, Jason had left by then?
12 A. Yes, sir.
13 Q. And Jason had never fired the
14 12 gauge that day?
15 A. No, sir.
16 Q. In fact I guess, Jason had
17 never fired the 12 gauge?
18 A. Yes, sir.
19 Q. Had B.J. ever fired the 12
20 gauge before that day?
21 A. No, sir.
22 Q. So, it's just you and B.J.?
23 A. Yes, sir.

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17 (Pages 65 to 68)

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1 Q. And I'm sorry. If you've
2 already told me this I've forgotten. How
3 many times did he fire before the gun
4 misfired?

5 A. Two, three or four times.

6 Q. Okay. And were you looking at
7 him when it misfired?

8 A. Yes, sir.

9 Q. Did you see him pull the
10 trigger?

11 A. I seen him pull the trigger
12 and it misfired, yes, sir.

13 Q. Was the safety on or off when
14 he pulled the trigger?

15 A. It was off.

16 Q. How can you tell that the
17 safety is off on this particular shotgun?

18 A. I couldn't really tell, but I
19 heard it click like it misfired.

20 Q. When you're using the gun, the
21 safety is a button that you toggle back and
22 forth; right?

23 A. I believe so, yes, sir.

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1 we're clear on this. You're saying you
2 heard a metal sound first?

3 A. Yes, sir.

4 Q. And you say you saw him pull
5 the trigger?

6 A. Yes, sir.

7 Q. And did the shell discharge?

8 A. No, sir.

9 Q. So, nothing came out of the
10 barrel?

11 A. Right.

12 Q. Do you know whether there was
13 a shell in the barrel?

14 A. Yes, sir.

15 Q. Beforehand, when you went to
16 the pawn shop, and you first looked at the
17 gun, you heard the guy dry fire the gun;
18 right?

19 A. Yes, sir.

20 Q. When you heard that metal
21 noise that day, on November 15th, did it
22 sound like a dry fire?

23 A. No, sir.

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1 Q. Do you recall how you can tell
2 whether the safety is on or off when you
3 toggle it back and forth, what tells you if
4 it's on or off?

5 A. There's a red dot on it.

6 Q. And what does the red dot tell
7 you?

8 A. I think that red dot on that
9 one meant it was in the firing position.

10 Q. Did B.J. have the gun mounted
11 on his shoulder when it misfired?

12 A. Yes, sir.

13 Q. What was he aiming at?

14 A. A target.

15 Q. And you were behind him?

16 A. Yes, sir.

17 Q. And what did it sound like to
18 you?

19 A. First, we heard something
20 metal sound. We didn't really pay attention
21 to it. And then he pulled the trigger and
22 it misfired. Then I got it from him.

23 Q. Now, let's just make sure

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1 Q. Can you describe for me what
2 the noise sounded like?

3 A. It sounded like something
4 popped, but we just wasn't really paying
5 attention.

6 Q. Did B.J. do anything between
7 popping of the gun and the time he pulled
8 the trigger?

9 A. No, sir.

10 Q. What happened then?

11 A. When he pulled the trigger, it
12 misfired and I got it from him.

13 Q. And maybe I caused some of the
14 confusion. Let's just make sure we don't
15 mean anything by the word "misfire." He
16 pulled the trigger and did anything happen,
17 was there any noise?

18 A. It clicked.

19 Q. There was a click. But there
20 was nothing that discharged?

21 A. Right.

22 Q. And he did what then?

23 A. He handed it over to me.

18 (Pages 69 to 72)

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1 Q. All right. And did you reach
2 out to grab the gun?
3 A. I believe by instincts,
4 reflexes, when it started to fall apart,
5 yes, sir.
6 Q. Now, you were behind him when
7 this occurred?
8 A. Yes, sir. Pretty much behind
9 him at an angle. He was standing here and I
10 was probably standing back here somewhere
11 (indicating).
12 Q. Okay. All right. So, you
13 were on his left side?
14 A. I believe so, yes, sir.
15 Q. Is he right-handed?
16 A. Yes, sir.
17 Q. So, he had the gun mounted on
18 his right shoulder?
19 A. Yes, sir.
20 Q. And did you go to him or he
21 turned to you?
22 A. He turned to me.
23 Q. All right. And which way did

1 A. I think everything just -- The
2 barrel fell off and by reflexes, I reached
3 and grabbed it. And that's all I really
4 remember on my part.
5 Q. You said the barrel was
6 pointing up in the air?
7 A. Yes, sir.
8 Q. And you say it started to
9 fall?
10 A. Yes, sir.
11 Q. In what fashion?
12 A. I think -- I'm not really
13 sure. I think the gun went like that
14 (indicating), and the barrel started to
15 slide off, something like that. And by
16 reflex, I reached and grabbed it.
17 Q. Which hand did you grab the
18 barrel with?
19 A. My right.
20 Q. And at that time, what was
21 your left hand grabbing?
22 A. I believe it was on the stock.
23 Q. Where did you grab the barrel?

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1 he turn?
2 A. Like this way (indicating).
3 Q. So, he turned to his left?
4 And how did he hand the gun to you?
5 A. Just handed it over.
6 Q. Where was the barrel pointing?
7 A. Up.
8 Q. Was it pointing up over his
9 right or over his left or straight up?
10 A. I can't remember.
11 Q. Do you -- How did you grab or
12 receive the gun?
13 A. With both hands, just grabbed
14 it, one hand on the bump area and the other
15 hand on the stock.
16 Q. All right. And which hand
17 grabbed the pump?
18 A. I believe my left hand. I'm
19 not really sure.
20 Q. And you think your right hand
21 grabbed the stock?
22 A. I believe so, yes.
23 Q. What happened next?

1 A. On the top.
2 Q. Why did you grab the barrel on
3 top?
4 A. I have no idea. I can't
5 remember.
6 Q. Well, what happened when you
7 grabbed the barrel on top?
8 A. I can't remember. The next
9 thing I knew I had a hole in my hand.
10 Q. So, you don't remember
11 anything between the time you reached to
12 grab the barrel and your injury?
13 A. Yes, sir.
14 Q. You cannot say whether you had
15 your left hand on the trigger?
16 A. I can't say that, yes.
17 Q. You can't say that you pushed
18 the barrel or shoved the barrel into the
19 receiver?
20 A. Yes, sir. Yes, sir.
21 Q. You can't say that right. You
22 just don't remember?
23 A. I don't remember sir.

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1 Q. And B.J. was facing you when
2 all this happened?
3 A. By the time I got shot, he was
4 already walking back towards the house
5 because I told him to go get my uncle.
6 Q. Okay. So, he had already
7 turned and started walking towards the
8 house. Was he behind you then, by then?
9 A. He was in front of me.
10 Q. He was in front of you?
11 A. Yes, sir.
12 Q. Had he turned around?
13 A. I wouldn't remember, no, sir.
14 Q. Okay. Well, when you were
15 reaching for the gun, were you facing your
16 house? Could you see your house?
17 A. I think I was about -- I was
18 just facing at my aunt's house. I think I
19 was at an angle.
20 Q. Right. Yeah. That's what I
21 meant. You were facing Aunt Bobby's house?
22 A. I was at an angle, but I could
23 see it, yes, sir.

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1 Q. Was it to your right or to
2 your left?
3 A. I believe it was to my right.
4 Q. And after he handed you the
5 gun, he was walking toward Aunt Bobby's
6 house?
7 A. Yes, sir.
8 Q. Did he say anything to you
9 while he was handing the gun to you?
10 A. No, sir.
11 Q. Did he say anything to you
12 when he started walking to Aunt Bobby's?
13 A. No, sir.
14 Q. Did he say anything to you
15 when he pulled the trigger and nothing had
16 happened?
17 A. No, sir.
18 Q. He didn't tell you why he was
19 going to Aunt Bobby's?
20 A. I said awhile ago that I told
21 him to go to get my Uncle Ralph or whatever,
22 and to get him to come out there and look at
23 it.

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1 Q. So, before he handed the gun
2 to you, you asked for your uncle to come
3 out?
4 A. After he handed the gun to me.
5 Q. Okay. All right. So, he
6 handed you the gun, you had it in your hands
7 and you told him --
8 A. Him to go get my uncle so my
9 uncle could come out there and look at it.
10 Q. In between the time you
11 received the gun and the time you told -- or
12 asked B.J. to go get your uncle, is that
13 Aunt Bobby's husband?
14 A. It was at the time.
15 Q. Was Aunt Bobby's husband. Did
16 you inspect the gun in any fashion?
17 A. No, sir.
18 Q. Did you try the trigger?
19 A. No, sir.
20 Q. Did you do anything with the
21 safety?
22 A. No, sir.
23 Q. Did B.J. put the gun on safety

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1 before he handed it to you?
2 A. I wouldn't think. I'm not
3 sure.
4 Q. You don't know whether it was
5 or was not on safety?
6 A. I don't know.
7 Q. So, he had started walking to
8 Aunt Bobby's?
9 A. Yes, sir.
10 Q. And at what point did the
11 barrel start to come off?
12 A. While he was walking.
13 Q. Had you lowered the gun in any
14 fashion?
15 A. I can't remember.
16 Q. So, he was looking away when
17 it actually discharged?
18 A. Yes, sir.
19 Q. And it injured your right
20 hand?
21 A. Yes, sir.
22 Q. And tell me what y'all did
23 right after that happened.

20 (Pages 77 to 80)

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1 A. I grabbed my right hand with
 2 my left hand. I believe I just dropped the
 3 gun where it was and grabbed my right hand
 4 in my left hand and took off running. And
 5 my aunt was outside doing yard work and she
 6 seen something was wrong and she came over
 7 there to me.

8 Q. This was Aunt Bobby?

9 A. Yes, sir.

10 Q. So, you ran toward the house
 11 where Aunt Bobby was?

12 A. Yes, sir.

13 Q. What did they all do?

14 A. Well, she actually took off
 15 her shirt to wrap my hand up. And then B.J.
 16 ran into the house and got Jim and my Uncle
 17 Ralph and they both come outside and me and
 18 Ralph jumped into the truck and took off.

19 Q. Okay. And where did he take
 20 you?

21 A. To Lanier Memorial Hospital.

22 Q. So, you didn't ride in an
 23 ambulance?

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1 Q. -- Let me ask you some more
 2 precise question. Did you take any
 3 over-the-counter medication?

4 A. No, sir.

5 Q. Nothing like Tylenol or
 6 ibuprofen?

7 A. No, sir.

8 Q. Did you have any prescription
 9 drugs that you took that day?

10 A. No, sir.

11 Q. And did you take any illegal
 12 drugs that day?

13 A. No, sir.

14 Q. They kept you overnight there
 15 at the hospital?

16 A. Yes, sir.

17 Q. And did they clean out your
 18 hand?

19 A. They cleaned it, yes, sir, and
 20 stitched it up.

21 Q. What'd they tell you -- What
 22 did they recommend for treatment next?

23 A. They sent me to Birmingham.

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1 A. No, sir.
 2 Q. Y'all didn't call 911?
 3 A. No, sir.
 4 Q. Just headed to the hospital?
 5 A. Just headed to the hospital.
 6 Q. All right. And is Lanier
 7 Memorial in Chambers County?
 8 A. Yes, sir.
 9 Q. And you went and got emergency
 10 treatment at the hospital?
 11 A. Yes, sir.
 12 Q. Did they discharge you that
 13 day or did they keep you overnight?
 14 A. Overnight. And then we went
 15 -- The very next day we went straight to
 16 Birmingham.
 17 Q. Now, prior to the shooting on
 18 November 15, had you been drinking any
 19 alcohol?
 20 A. No, sir.
 21 Q. All right. Had you taken any
 22 drugs, whether --
 23 A. No, sir.

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1 Q. You went to UAB?
 2 A. UAB Hospital, yes, sir.
 3 Q. What did they do for you at
 4 UAB?
 5 A. They took me straight up to
 6 the emergency room.
 7 Q. All right. Before we talk
 8 about that, let me go back to the day of
 9 this incident. You dropped the gun?
 10 A. After I got shot, yes, sir.
 11 Q. And as far as you know, did
 12 someone else get the gun?
 13 A. After a little while later
 14 that day, my uncle I guess, my Aunt Bobby
 15 was fixing to marry Chris Dennis. And he
 16 went back to their house. And my uncle
 17 Ralph's and Aunt Bobby's house, and picked
 18 up the gun.
 19 Q. I'm sorry. Who is it that
 20 picked them up?
 21 A. Chris Dennis.
 22 Q. Chris Dennis?
 23 A. Yes, sir.

21 (Pages 81 to 84)

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|---|---|
| 1 Q. Who is Chris? | 1 A. Right before the lawyers got |
| 2 A. He's my Aunt Bobby's husband, | 2 it. |
| 3 now. | 3 Q. Okay. And did you look it |
| 4 Q. Okay. Do you know if anyone | 4 over that first time after the incident? |
| 5 picked them up out of the field? | 5 A. No, sir. I just seen it. I |
| 6 A. He did. | 6 didn't pick it up. |
| 7 Q. Chris did. Okay. | 7 Q. You didn't pick it up? |
| 8 A. Everybody was at the hospital. | 8 A. No, sir. |
| 9 Q. All right. What did he do | 9 Q. Now, you said Chris said -- |
| 10 with the guns after he -- | 10 told you the gun -- the barrel fell off? |
| 11 A. He took them to his house and | 11 A. Uh-huh. |
| 12 he put them in the safe. And he said when | 12 Q. Did he say whether the barrel |
| 13 he was walking up the steps to his front | 13 fell off when he picked it up in the field? |
| 14 door the barrel fell off with him there. It | 14 A. He didn't say that. He said |
| 15 just fell off and he picked both pieces up | 15 when he was walking up the steps into his |
| 16 and put them into his safe. | 16 front door, the barrel just slid right off |
| 17 Q. Did any law enforcement people | 17 and fell off into the floor. |
| 18 interview you at the hospital? | 18 Q. Is it possible, when you were |
| 19 A. I don't really know. | 19 out there in the field right before you |
| 20 Q. Did any law enforcement people | 20 injured yourself, that the barrel did not |
| 21 ever interview you? | 21 fall off? |
| 22 A. I don't think so. My mom | 22 MR. HODGES: Object to the |
| 23 would know if they did or not. | 23 form. |
| Page 86 | Page 88 |
| 1 Q. All right. Where does | 1 A. I really don't know. I |
| 2 Mr. Dennis live? | 2 believe it was sliding off. |
| 3 A. He -- At the time, he lived at | 3 Q. But it may have been not |
| 4 503 Wellington Street in Valley. But now | 4 sliding at all? |
| 5 him and my Aunt Bobby live somewhere out of | 5 MR. HODGES: Object to the |
| 6 the city limits, close to where we live. | 6 form. |
| 7 Q. You don't know the street? | 7 Q. In other words, how sure are |
| 8 A. No, sir. | 8 you that the barrel came off when you were |
| 9 Q. Have you ever fired this | 9 out there in the field? |
| 10 Norinco shotgun since this incident? | 10 A. I'm not really sure. I just |
| 11 A. No, sir. | 11 know that it fell off when he told me. |
| 12 Q. Has it ever been fired in your | 12 That's the reason I figured. |
| 13 presence since this incident? | 13 Q. Okay. So, when Chris Dennis |
| 14 A. No, sir. It's been gone. | 14 told you the barrel had fallen off when he |
| 15 Q. Do you know of anyone who's | 15 was handling it, you figured that maybe the |
| 16 fired it since this incident? | 16 barrel fell off when you handled it? |
| 17 A. No, sir. This is the second | 17 MR. HODGES: Object to the |
| 18 time I've seen it since the incident. | 18 form. |
| 19 Q. So, you haven't seen it until | 19 Q. Pardon? That would be yes? |
| 20 this day? | 20 A. I didn't say yes or no. |
| 21 A. The second time today. | 21 Q. Oh, I'm sorry. I couldn't |
| 22 Q. When is the first time you saw | 22 hear you. My question was: When Chris told |
| 23 it? | 23 you the barrel fell off for him, did you |

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|---|---|
| 1 figure that it must have fallen off for you? | 1 this one (indicating.) |
| 2 A. If it was broken at the time, | 2 Q. So, it would be your first |
| 3 yes. | 3 finger, your second finger and your third, |
| 4 Q. So, they took you to UAB to be | 4 your ring finger? |
| 5 treated up there? | 5 A. Yes, sir. |
| 6 A. Yes, sir. | 6 Q. So, your pinky finger was not |
| 7 Q. What did they do for you at | 7 harmed? |
| 8 UAB? | 8 A. No, sir. |
| 9 A. They took, more or less, the | 9 Q. What about your thumb? |
| 10 packing out of my hand. | 10 A. Yes, sir. It was harmed. I |
| 11 Q. Okay. | 11 can only move it just a hair. |
| 12 A. And put me into the hospital. | 12 Q. Pardon? |
| 13 And for about two or three weeks I had the | 13 A. I can only move it just a |
| 14 surgeries off and on, all three weeks of it. | 14 little bit. |
| 15 Q. So, you were in the hospital | 15 Q. Did you lose some of the bone |
| 16 the entire time? | 16 in your thumb? |
| 17 A. Yes, sir. | 17 A. I think back here, yes, sir, |
| 18 Q. And you didn't go home to -- | 18 (indicating). |
| 19 here in Chambers County during that period? | 19 Q. Back on the back side of your |
| 20 A. No, sir. | 20 hand? |
| 21 Q. They kept you the whole time? | 21 A. Yes, sir. I'm not really sure |
| 22 A. The whole time, yes, sir. | 22 on that part. But I know I lost the nerves, |
| 23 Q. And they discharged you from | 23 the tendon. |
| Page 90 | Page 92 |
| 1 UAB in December? | 1 Q. Now, what kind of surgeries |
| 2 A. Yes, sir. | 2 did they do on you at UAB? |
| 3 Q. All right. Now, what -- Where | 3 A. They done a skin graft, a bone |
| 4 was your hand injured? | 4 graft. They found one of my nerves up here |
| 5 A. The very center of my hand, | 5 (indicating) and they pulled it back down. |
| 6 and the bullet came out right here | 6 They're fixing to do a tendon graft next |
| 7 (indicating). | 7 month. They done some scar tissue removal. |
| 8 Q. And the -- Pardon? | 8 They've done some other little surgeries. |
| 9 A. The bullet came out right | 9 Q. I saw a reference to a groin |
| 10 there (indicating). | 10 flap that they did in December. |
| 11 Q. Okay. The bullet came out of | 11 A. What was that? What were they |
| 12 the back of your hand? | 12 doing there? They put that big skin on my |
| 13 A. Uh-huh. | 13 hand there (indicating). |
| 14 Q. And you injured the center of | 14 Q. They took it off of your |
| 15 your hand? | 15 groin? |
| 16 A. Yes, sir. | 16 A. They attached my hand to my |
| 17 Q. All right. And did you injure | 17 hip for two weeks. |
| 18 your fingers? | 18 Q. Okay. Was this while you were |
| 19 A. The fingers, itself, no, sir, | 19 in the hospital? |
| 20 but the bones, tendons and nerves and | 20 A. Half of it while I was in the |
| 21 muscles and all that is gone, yes, sir. | 21 hospital and the rest of it I was outside of |
| 22 Q. Which of your fingers? | 22 the hospital. |
| 23 A. This one, this one and most of | 23 Q. Was this the palm of your hand |

23 (Pages 89 to 92)

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1 or the back of your hand that was attached? 2 A. The back of my hand.
3 Q. So, they attached the back of 4 your hand to what?
5 A. To my hip, like that
(indicating).
6 Q. And you had that for about how
7 long?
8 A. Two or three weeks.
9 Q. And then you went back to UAB?
10 A. Sometime after Christmas that
11 year, yes, sir.
12 Q. Did they take your hand off?
13 A. They detached it, yes, sir.
14 And I think that surgery, they disconnected
15 it and I went home. And then a little while
16 later I went back for another surgery.
17 Q. And did you have physical
18 therapy then, that early winter or spring?
19 A. Not then, no, sir.
20 Q. Did you go to East Alabama
21 Medical Center?
22 A. The hospital itself.

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1 Q. For your physical -- You had
2 physical therapy at some point; right?
3 A. Yes, sir. It's at East
4 Alabama Center, yes, sir.
5 Q. And you also went back to UAB,
6 looking at your records, it looked like in
7 June of '04, for some additional surgery?
8 A. Yes, sir.
9 Q. All right. Did you have any
10 physical therapy between that surgery at UAB
11 in June and when they discharged you in
12 December?
13 A. I'm not really sure, but I
14 think so. I'm not sure, though.
15 Q. And then after that June
16 surgery, did you have more physical therapy?
17 A. Yes, sir.
18 Q. I saw you were in an auto
19 accident about a year after this incident?
20 A. Yes, sir.
21 Q. Tell me about that.
22 A. Well, my brother was driving
23 my mom's Excursion and a guy in a Lexus hit

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1 us head on.
2 Q. You and your brother and your
3 mother were in the Excursion?
4 A. No. Me and my brother and my
5 cousin.
6 Q. Oh, I'm sorry. So this --
7 Which brother is this?
8 A. Cody.
9 Q. And which cousin?
10 A. Michael Ledbetter.
11 Q. Ledbetter?
12 A. Yes, sir.
13 Q. And y'all were in the
14 Excursion?
15 A. Yes.
16 Q. And who was driving?
17 A. Cody.
18 Q. And where were you?
19 A. I was in the back seat.
20 Q. All right. And were you
21 belted?
22 A. Yes, sir.
23 Q. Which of the seats in the back

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1 were you sitting in?
2 A. Back passenger's seat.
3 Q. Were you behind the driver --
4 So, you were behind the passenger?
5 A. I mean, the driver's seat.
6 I'm sorry.
7 Q. You were behind the driver?
8 A. Yes, sir.
9 Q. What vehicle did you collide
10 with?
11 A. A Lexus.
12 Q. And did the police cite anyone
13 in that accident?
14 A. Do what, now?
15 Q. Did the police cite anyone,
16 issue a paper saying someone had done
17 something wrong?
18 A. I'm not really sure. I think
19 so. I'm not sure, though.
20 Q. Did you go to the emergency
21 room because of that?
22 A. Yes, sir.
23 Q. Who was driving the other

24 (Pages 93 to 96)

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| | |
|---|---|
| <p style="text-align: right;">Page 97</p> <p>1 vehicle?</p> <p>2 A. I think his name was Mitch</p> <p>3 Mitchell.</p> <p>4 Q. Okay. And this was a -- Was</p> <p>5 this a Lexus car or SUV?</p> <p>6 A. Car.</p> <p>7 Q. You were driving the SUV --</p> <p>8 You were in the SUV?</p> <p>9 A. I was in the SUV.</p> <p>10 Q. How fast were y'all going?</p> <p>11 A. I would say the speed limit on</p> <p>12 that road.</p> <p>13 Q. What's the speed limit on that</p> <p>14 road?</p> <p>15 A. I'm not really sure. I hadn't</p> <p>16 been on that road in about a year.</p> <p>17 Q. What road was this?</p> <p>18 A. It was somewhere over by the</p> <p>19 truck stop.</p> <p>20 Q. Where is's the truck stop?</p> <p>21 A. In was Hugely.</p> <p>22 Q. How fast was the Lexus going,</p> <p>23 do you know?</p> | <p style="text-align: right;">Page 99</p> <p>1 me a little bit of Lortab for pain. I</p> <p>2 didn't take it.</p> <p>3 Q. Did you have to go back to be</p> <p>4 treated for your hand again?</p> <p>5 A. No, sir.</p> <p>6 Q. You've -- I saw the records.</p> <p>7 It looks like you had a surgery about June a</p> <p>8 year ago, now, bone graft reconstruction.</p> <p>9 A. Yes, sir.</p> <p>10 Q. They're trying to reconstruct</p> <p>11 your fingers?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Have you've had any surgeries</p> <p>14 since then?</p> <p>15 A. Bone graft. I think they done</p> <p>16 a scar tissue removal.</p> <p>17 Q. Okay. Was that at UAB?</p> <p>18 A. Yes, sir.</p> <p>19 Q. When's the most recent surgery</p> <p>20 you had?</p> <p>21 A. I believe it was the scar</p> <p>22 tissue removal. And I've got to have</p> <p>23 another one next month.</p> |
| <p style="text-align: right;">Page 98</p> <p>1 A. I have no idea.</p> <p>2 Q. And did you injure your right</p> <p>3 hand in that accident?</p> <p>4 A. Yes, sir.</p> <p>5 Q. How did you injury it?</p> <p>6 A. It jammed this finger</p> <p>7 (indicating).</p> <p>8 Q. That's your fourth finger?</p> <p>9 A. Yes, sir. It jammed it back</p> <p>10 and my hand swelled up about that big</p> <p>11 (indicating).</p> <p>12 Q. And where were you treated?</p> <p>13 A. At Lanier Memorial Hospital.</p> <p>14 Q. What did they have to do?</p> <p>15 A. Took X-rays.</p> <p>16 Q. Did they do any surgeries?</p> <p>17 A. No, sir.</p> <p>18 Q. Did they put the hand in a</p> <p>19 splint or any such thing like that?</p> <p>20 A. I don't believe so, no, sir.</p> <p>21 Q. Did they give you any</p> <p>22 medicine?</p> <p>23 A. I think they might have give</p> | <p style="text-align: right;">Page 100</p> <p>1 Q. In July?</p> <p>2 A. July.</p> <p>3 Q. What are they going to do in</p> <p>4 July?</p> <p>5 A. Tendon graft.</p> <p>6 Q. Do you know what future</p> <p>7 surgeries are going to be required?</p> <p>8 A. No, sir.</p> <p>9 Q. You don't know whether you</p> <p>10 will or will not need additional surgery?</p> <p>11 A. I believe I will need more.</p> <p>12 Q. Is there one particular doctor</p> <p>13 at UAB that you've been working with?</p> <p>14 A. Dr. James Long.</p> <p>15 Q. Long?</p> <p>16 A. Long.</p> <p>17 Q. Do you have a doctor here in</p> <p>18 Chambers County that you're seeing regular</p> <p>19 for your hand?</p> <p>20 A. No, sir.</p> <p>21 Q. Do you have a family doctor</p> <p>22 here?</p> <p>23 A. I think so. Dr. Hemberg.</p> |

25 (Pages 97 to 100)

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Page 101

1 Q. Pardon?
 2 A. Dr. Hemberg.
 3 Q. Hemberg?
 4 MR. HODGE: H-E-M-B-E-R-G.
 5 MR. HIGEY: All right. I
 6 appreciate that.
 7 Q. Where is Dr. Hemberg?
 8 A. I believe it's Lanier Memorial
 9 physician area or whatever.
 10 Q. Do you have any other doctors
 11 in Chambers County or the surrounding area
 12 that you've been seeing?
 13 A. No, sir.
 14 Q. What current use do you have
 15 of your hand?
 16 A. I can move my pinky. I can
 17 move a little bit of that one, not much, and
 18 a little bit of my thumb (indicating).
 19 Q. You're talking about your ring
 20 finger, you can move it a little bit?
 21 A. Uh-huh.
 22 Q. And you can move your thumb a
 23 little bit?

Page 102

1 A. Uh-huh.
 2 Q. You're wearing, it looks like
 3 a brace.
 4 A. A splint.
 5 Q. A splint. Do you wear it --
 6 A. It's holding these fingers
 7 down (indicating), because we're getting
 8 ready for the next surgery.
 9 Q. Okay. I see. And do you wear
 10 the splint all the time?
 11 A. I take it off sometimes.
 12 Q. Do you take it off when you
 13 sleep?
 14 A. Yes, sir.
 15 Q. How long have you been wearing
 16 a splint?
 17 A. Since the -- About a few
 18 months.
 19 Q. Are you going to be wearing a
 20 splint after your next surgery?
 21 A. Probably not this one. Maybe
 22 another one.
 23 Q. In terms of pain, what pain do

1 you have, if any, in that right hand?
 2 A. On a scale of one through ten,
 3 probably a three or four right now.
 4 Q. Right here as we speak today?
 5 A. Yes, sir.
 6 Q. Does it vary during the day?
 7 A. Sometimes, yes, sir.
 8 Q. How low does it get?
 9 A. Sometimes a sharp pain just
 10 jumps through it and it hurts real bad, and
 11 sometimes there ain't no pain at all.
 12 Q. Are you taking any medication
 13 today?
 14 A. No, sir.
 15 Q. Do you take any medication
 16 currently?
 17 A. No, sir. Not lately.
 18 Q. Do you have a prescription for
 19 pain medicine?
 20 A. After surgeries, he give me
 21 one, but I don't take them.
 22 Q. You're not taking any other
 23 sort of medications?

Page 104

1 A. No, sir.
 2 Q. Have you seen a person called
 3 a vocational consultant, an individual who
 4 works with you to try and figure out what
 5 you're able to do and what you're able not
 6 to do?
 7 A. I don't believe so.
 8 Q. Are you able to cut your food?
 9 A. I get my mom to do that for
 10 me.
 11 Q. So, you don't do it yourself?
 12 A. No, sir.
 13 Q. You're not able to hold a
 14 knife or a fork in your right hand?
 15 A. No, sir.
 16 Q. When you eat, do you eat with
 17 your left hand?
 18 A. Yes, sir.
 19 Q. Are you able to write?
 20 A. Trying. It's sloppy, but I'm
 21 able to.
 22 Q. Do you write -- Which hand do
 23 you write with?

26 (Pages 101 to 104)

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| | |
|---|---|
| <p style="text-align: right;">Page 105</p> <p>1 A. Left now. 2 Q. Do you try to write with your 3 right hand at all? 4 A. No, sir. 5 Q. Do you drive an automobile 6 now? 7 A. A little bit, yes, sir. 8 Q. Is this an automatic 9 transmission? 10 A. Yes, sir. 11 Q. Are you able to drive 12 right-handed? 13 A. Left-handed, yes, sir. 14 Q. But you can't drive 15 right-handed? 16 A. No, sir, I can't. 17 Q. How do you shift it in and out 18 of gear? 19 A. I've got to reach over and get 20 it and pull it down. 21 Q. So, you use your left hand? 22 A. Yes, sir. 23 Q. What kind of vehicle are you</p> | <p style="text-align: right;">Page 107</p> <p>1 already asked you this at the beginning of 2 the deposition, I apologize. I just don't 3 remember. Are you currently working 4 anywhere? 5 A. No, sir. 6 Q. Okay. You're fixing to go to 7 school this fall? 8 A. Yes, sir. 9 Q. What are you doing during the 10 summer? 11 A. Right now, nothing. And going 12 up to DC this next week. 13 Q. What are you going to go to DC 14 for? 15 A. Visit my dad. 16 Q. Is that where he lives, then? 17 A. Yes, sir. 18 Q. How long are you planning on 19 being up there? 20 A. One week. 21 Q. Have you spoken with anyone 22 since your injury about your prospects for 23 employment and what you can do for a living?</p> |
| <p style="text-align: right;">Page 106</p> <p>1 driving? 2 A. A Trans Am. 3 Q. Are you able to wash with your 4 right hand under your left arm? 5 A. No, sir. It's very hard. 6 Q. Are you -- I guess right now 7 you are not able to touch your thumb with 8 your fingers? 9 A. No, sir. 10 Q. When you take this splint off 11 or the brace off, are you able to touch your 12 fingers? 13 A. No, sir. 14 Q. Are you able to touch your 15 pinky with your thumb? 16 A. No, sir. 17 Q. Can you tie your shoes? 18 A. No, sir. 19 Q. And how do you get your shoes 20 on. You're wearing shoes without ties, I 21 see. 22 A. Yes, sir. 23 Q. No shoe strings. And if I</p> | <p style="text-align: right;">Page 108</p> <p>1 A. A little bit. Some people 2 tell me I'm not really capable of doing the 3 job they would want somebody to do. 4 Q. Who's saying that? 5 A. I can't remember. Just some 6 of the -- employers. 7 Q. Now, all of your medical 8 expenses, have those been paid -- taken care 9 of by your mama? 10 A. Yes, sir. And insurance. 11 Q. And you've not handled those 12 directly? 13 A. No, sir. 14 Q. Have you tried to obtain 15 employment anywhere and been denied 16 employment because of your hand? 17 A. No, sir. 18 Q. Do you know who owned this gun 19 before you bought it? 20 A. Pawn City. 21 Q. Do you know who Pawn City got 22 it from? 23 A. No, sir.</p> |

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1 Q. You've never heard who Pawn
 2 City got it from?
 3 A. No, sir.
 4 Q. Ralph Stewart is your cousin?
 5 A. Uncle.
 6 Q. Uncle. Pardon me.
 7 A. Ex-uncle.
 8 Q. And he was formerly married to
 9 Bobby?
 10 A. Yes, sir.
 11 Q. Who is now married to
 12 Mr. Dennis?
 13 A. Yes, sir.
 14 Q. Have you ever met Mr. Tom
 15 Butters?
 16 A. No, sir.
 17 Q. Have you ever spoken with
 18 Mr. Butters?
 19 A. No, sir.
 20 Q. Have you ever given a
 21 statement to a tape recorder or a court
 22 reporter like this about this incident?
 23 A. No, sir.

Page 110

1 Q. So, you do not remember
 2 whether, when this incident occurred,
 3 whether you had your hand on the trigger or
 4 not?
 5 A. No, sir, I don't remember.
 6 Q. And you don't remember whether
 7 the barrel fell off?
 8 MR. HODGES: Object to the
 9 form. You can answer.
 10 A. Oh, okay. I didn't know.
 11 Q. Yeah. No. You're allowed to
 12 answer. Go ahead and answer.
 13 A. What's the question?
 14 Q. You don't remember whether the
 15 barrel fell off?
 16 A. No, sir.
 17 MR. HIGEY: This gentleman may
 18 have some questions for you.
 19 MR. HODGE: No questions.
 20 MR. HIGEY: Can we take a
 21 break before we conclude our examination?
 22 MR. HODGE: Sure.
 23 VIDEOGRAPHER: Going off the

1 Record. The time is now 11:42.
 2 (Recess taken.)
 3 VIDEOGRAPHER: We're back on
 4 the Record. The time is now 11:48.
 5 Q. (Mr. Higey) Mr. Bonner, where
 6 did your Aunt Bobby live when all this
 7 happened?
 8 A. I can't -- In Hugely. I can't
 9 -- I don't know the address.
 10 Q. Where were you shooting? What
 11 direction were you shooting?
 12 A. In front of her house.
 13 Q. All right. What were you
 14 shooting toward?
 15 A. A tree or something.
 16 Q. Is there a public road in
 17 front of her house?
 18 A. There's like her driveway,
 19 more or less. There's some -- There's more
 20 people's driveway, also.
 21 Q. In relation to where you're
 22 shooting, is there a road nearby? Were you
 23 shooting in the direction of a road?

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1 A. No, sir.
 2 Q. Were you shooting in the
 3 direction of her house?
 4 A. No, sir.
 5 Q. Were you shooting in the
 6 direction of any house?
 7 A. No, sir.
 8 Q. You were shooting toward a
 9 tree?
 10 A. Yes, sir.
 11 Q. Just one tree or a bunch of
 12 trees?
 13 A. A few trees.
 14 Q. And her house was to your
 15 right and back?
 16 A. Uh-huh.
 17 Q. And what was to your left?
 18 A. Woods.
 19 Q. Was her driveway -- Where was
 20 her driveway in relation to where you were
 21 standing?
 22 A. Behind me.
 23 Q. Behind you?

28 (Pages 109 to 112)

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1 A. Well, kind of to the left and
2 behind me, to the right and behind,
3 somewhere around in there.
4 MR. HIGEY: Those are all of
5 my questions. We're done.
6 VIDEOGRAPHER: This marks the
7 end of videotape number one and concludes
8 the deposition. We're going off the Record.
9 The time is now 11:50.
10 (The deposition was concluded at 11:50 a.m.,
11 June 8, 2006.)
12
13
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23

Page 114

1 REPORTER'S CERTIFICATE
2 STATE OF ALABAMA,
3 ELMORE COUNTY,
4 I, Sara Mahler, Certified Shorthand
5 Reporter and Commissioner for the State of
6 Alabama at Large, do hereby certify that the
7 above and foregoing proceeding was taken
8 down by me by stenographic means, and that
9 the content herein was produced in
10 transcript form by computer aid under my
11 supervision, and that the foregoing
12 represents, to the best of my ability, a
13 true and correct transcript of the
14 proceedings occurring on said date and at
15 said time.

16 I further certify that I am neither
17 of kin nor of counsel to the parties to the
18 action; nor in any manner interested in the
19 result of said case.
20
21

22 _____
23 Sara Mahler, CSR,
for the State of
Alabama at Large.

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EXHIBIT B

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|----|--|--|
| 1 | IN THE CIRCUIT COURT OF | 1 2006, along with the exhibits. |
| 2 | CHAMBERS COUNTY, ALABAMA | 2 Please be advised that this is the |
| 3 | | 3 same and not retained by the Court Reporter, |
| 4 | CASE NUMBER: CV-05-02 | 4 nor filed with the Court. |
| 5 | Brian Bonner, et al., | 5 ***** |
| 6 | Plaintiff, | 6 |
| 7 | vs. | 7 |
| 8 | Interstate Arms Corporation, et al., | 8 |
| 9 | Defendants. | 9 |
| 10 | | 10 |
| 11 | S T I P U L A T I O N | 11 |
| 12 | IT IS STIPULATED AND AGREED by and | 12 |
| 13 | between the parties through their respective | 13 |
| 14 | counsel, that the deposition of Owena Kay | 14 |
| 15 | Knowles may be taken before Sara Mahler, | 15 |
| 16 | CSR, at the offices of the Wooten Law Firm, | 16 |
| 17 | at 10 Second Avenue S.E., LaFayette, Alabama | 17 |
| 18 | 36862, on the 8th day of June, 2006. | 18 |
| 19 | | 19 |
| 20 | DEPOSITION OF OWENA KAY KNOWLES | 20 |
| 21 | | 21 |
| 22 | 48320 | 22 |
| 23 | | 23 |
| | Page 2 | Page 4 |
| 1 | IT IS FURTHER STIPULATED AND | 1 ***** |
| 2 | AGREED that the signature to and the reading | 2 |
| 3 | of the deposition by the witness is waived, | 3 |
| 4 | the deposition to have the same force and | 4 |
| 5 | effect as if full compliance had been had | 5 |
| 6 | with all laws and Rules of Court relating to | 6 |
| 7 | the taking of depositions. | 7 |
| 8 | IT IS FURTHER STIPULATED AND | 8 |
| 9 | AGREED that it shall not be necessary for | 9 |
| 10 | any objections to be made by counsel to any | 10 |
| 11 | questions except as to form or leading | 11 |
| 12 | questions, and that counsel for the parties | 12 |
| 13 | may make objections and assign grounds at | 13 |
| 14 | the time of the trial, or at the time said | 14 |
| 15 | deposition is offered in evidence, or prior | 15 |
| 16 | thereto. | 16 |
| 17 | IT IS FURTHER STIPULATED AND | 17 |
| 18 | AGREED that in accordance with Rule 5(d) of | 18 |
| 19 | The Alabama Rules of Civil Procedure, as | 19 |
| 20 | Amended, effective May 15, 1988, I, Sara | 20 |
| 21 | Mahler, am hereby delivering to Todd M. | 21 |
| 22 | Higey the original transcript of the oral | 22 |
| 23 | testimony taken on the 8th day of June, | 23 |

1 (Pages 1 to 4)

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1 IN THE CIRCUIT COURT OF
 2 CHAMBERS COUNTY, ALABAMA
 3
 4 CASE NUMBER: CV-05-02
 5 Brian Bonner, et al.,
 6 Plaintiff,
 7 vs.
 8 Interstate Arms Corporation, et al.,
 9 Defendants.

10
 11 BEFORE:
 12 SARA MAHLER, Commissioner.
 13 APPEARANCES:
 14 DAVID W. HODGE, ESQUIRE, of
 15 Pittman, Hooks, Dutton, Kirby & Hellums,
 16 2001 Park Place North, Suite 1100,
 17 Birmingham, Alabama 35203, appearing on
 18 behalf of the Plaintiff.
 19 NICK WOOTEN, ESQUIRE, of the
 20 Wooten Law Firm, 10 Second Avenue S.E.,
 21 LaFayette, Alabama 36862, appearing on
 22 behalf of the Plaintiff.
 23 TODD M. HIGEY, ESQUIRE, of Adams

1 the following proceedings were had:
 2 OWENA KAY KNOWLES,
 3 being first duly sworn, was examined and
 4 testified as follows:
 5 COURT REPORTER: Usual
 6 stipulations?
 7 MR. HIGEY: Yes.
 8 MR. HODGE: Yes.
 9 EXAMINATION
 10 BY MR. HIGEY:
 11 Q. Could you state your name,
 12 please.
 13 A. Owena Kay Knowles.
 14 Q. Ms. Knowles, what's your
 15 address?
 16 A. 3013 Hopewell Road, Valley,
 17 Alabama.
 18 Q. And where do you work?
 19 A. Knauf.
 20 Q. How do you spell that?
 21 A. K-N-A-U-F.
 22 Q. What do you do at Knauf?
 23 A. I'm a mechanic.

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1 and Reese, 2100 Third Avenue North, Suite
 2 1100, Birmingham, Alabama 35203, appearing
 3 on behalf of the Defendant, Interstate Arms.
 4 CURT JOHNSON, ESQUIRE, of Johnson,
 5 Caldwell & McCoy, 117 North Lanier Avenue,
 6 Suite 201, Lanett, Alabama 36863, appearing
 7 on behalf of the Defendant, Interstate Arms.
 8 RANDOLPH GILLUM, ESQUIRE, of
 9 Rogers & Associates, 3000 Riverchase
 10 Galleria, Suite 650, Birmingham, Alabama
 11 35244, appearing on behalf of the Defendant,
 12 Pawn City.
 13 * * * * *

14 I, SARA MAHLER, CSR, a Court
 15 Reporter of Wetumpka, Alabama, acting as
 16 Commissioner, certify that on this date, as
 17 provided by the Alabama Rules of Civil
 18 Procedure and the foregoing stipulation of
 19 counsel, there came before me at the offices
 20 of the Wooten Law Firm, 10 Second Avenue
 21 S.E., LaFayette, Alabama 36862, beginning at
 22 2:00 p.m., Owena Kay Knowles, witness in the
 23 above cause, for oral examination, whereupon

1 Q. What do you work on?
 2 A. Machinery.
 3 Q. What kind of machines?
 4 A. Tall, loose fill machines and
 5 hydraulics, fans, conveyers.
 6 Q. And do you own any firearms?
 7 A. Yes, I do.
 8 Q. Tell me what firearms you own.
 9 A. I have a Remington 1100 and a
 10 357 and a 32. I'm sorry, that's a 22.
 11 Q. The 22 is a rifle?
 12 A. No, a pistol.
 13 Q. A pistol. The 357 is a
 14 pistol?
 15 A. Uh-huh.
 16 Q. And the 1100 is a --
 17 A. Shotgun.
 18 Q. Shotgun. And you purchased a
 19 Norinco shotgun?
 20 A. Yes.
 21 Q. In November of 2003?
 22 A. Uh-huh.
 23 MR. HIGEY: May I have an

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2 (Pages 5 to 8)

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1 exhibit sticker, please.
 2 (Defendant's Exhibit 1 was
 3 marked for identification
 4 purposes.)
 5 Q. Defendant's Exhibit 1 is a
 6 copy of the receipt for the purchase of that
 7 Norinco shotgun?
 8 A. Yes, it is.
 9 Q. Tell me how you came to
 10 purchase it, please.
 11 A. Well, my son had been talking
 12 about a 12 gauge. He wanted one. He wanted
 13 a pump action. And he come home and said
 14 he'd found one. I kind of tried to talk him
 15 out of it, and he kept on. So I went and I
 16 looked at it.
 17 I asked the sales person if
 18 the guns had been inspected, if they were in
 19 good working condition because I really
 20 didn't want him buying a firearm from the
 21 pawn shop. And the man told me yes, they
 22 had been thoroughly checked out before they
 23 were sold.

Page 10

Page 12

1 Q. Who is the man?
 2 A. I do not remember his name.
 3 It was a tall, white guy, dark hair.
 4 Q. About how old did he look?
 5 A. I'd say between twenty-five
 6 and thirty.
 7 Q. And did he describe what kind
 8 of inspection they did?
 9 A. No, he didn't.
 10 Q. Did you make any inquiry about
 11 the type of inspection?
 12 A. No.
 13 Q. Why did you try to talk your
 14 son out of the shotgun?
 15 A. It wasn't necessarily a
 16 shotgun. It's just, like I said, a used
 17 item I don't like. And I knew the gun had
 18 been used. And I really didn't want him
 19 getting it from a pawn shop.
 20 Q. Do you know who the prior
 21 owner was before the pawn shop?
 22 A. No, I don't.
 23 Q. Did you ever make an inquiry

1 as to who the prior owner was?
 2 A. No, I didn't.
 3 Q. Did your son ever use a pump
 4 shotgun prior to purchasing this pump
 5 shotgun?
 6 A. I don't know.
 7 Q. Do you have any in the house?
 8 A. I think my husband has one,
 9 but I really don't like pumps.
 10 Q. This is Mr. Jim Knowles?
 11 A. Yes.
 12 Q. How long has Brian been using
 13 firearms?
 14 A. Firearms? When they were four
 15 years old I wanted to take them and let them
 16 see what a gun would do. And so starting at
 17 the age of four I let them fire guns, let
 18 them see, you know, what kind of damage they
 19 could do because I didn't want them playing
 20 with guns.
 21 Q. Who is they?
 22 A. The boys.
 23 Q. Would that be all three of the

3 (Pages 9 to 12)

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1 Q. From that time on, describe
2 for me the use that Brian had with guns.

3 A. Well, up until he was -- I
4 never bought a gun -- That's the first --
5 No. I take that back. I think we bought
6 him the 270 the previous year.

7 But I would take them out at
8 least once a year and just let them shoot
9 targets to keep them familiar, you know,
10 show them the safeties, and don't point the
11 gun at anybody. Don't ever pull the trigger
12 of an unloaded gun because most of the time
13 they're loaded. Never keep them loaded in
14 the house. Never point the gun at anybody
15 or anything except for targets.

16 Q. Did it ever reach a point
17 where Brian was able to shoot when he wanted
18 to shoot?

19 A. Yes. I'd say maybe when he
20 was fifteen, I would let him shoot at our
21 house, you know, shoot targets in the woods.

22 Q. Did he ever do any hunting?

23 A. No.

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1 with?

2 A. A 410. I'd let him shoot my
3 357 every now and then, and the 20 gauge,
4 the Remington 1100, 20 gauge.

5 Q. Are any of these guns your
6 husband's?

7 A. Not those.

8 Q. Did they shoot any of your
9 husband's guns?

10 A. Only when he would give them
11 permission to. But most of the time -- They
12 love shooting the 1100.

13 Q. Did your husband have
14 shotguns?

15 A. Yes.

16 Q. What shotguns does he have?
17 And I'm talking at age fifteen and sixteen
18 for Brian.

19 A. I'm thinking he had a 20
20 gauge, a 410 and he might have had a 22
21 rifle.

22 Q. Did you ever observe Brian put
23 his hand on the end of a barrel of a loaded

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1 Q. Did he ever shoot sporting
2 clays?

3 A. No.

4 Q. Would Cody also be able to go
5 out and shoot when he was fifteen?

6 A. The boys, yes.

7 Q. And when they're shooting, are
8 they shooting in your presence or are they
9 out on their own?

10 A. They were in sight.

11 Q. Meaning?

12 A. I could see them.

13 Q. And where would you have been?

14 A. In the house.

15 Q. Did you have Brian wear eye
16 and ear protection?

17 A. Yes.

18 Q. Did he always wear his eye and
19 ear protection?

20 A. No.

21 Q. Now, at about age fifteen,
22 when he was able to go outside with his
23 brother and shoot, what guns was he shooting

Page 16

1 gun?

2 A. No.

3 Q. Did you ever observe Brian
4 look down the barrel of the gun?

5 A. No.

6 Q. Did you ever observe Brian,
7 whether the gun was loaded or unloaded,
8 point the gun at an individual?

9 A. No.

10 Q. Did you ever have to
11 discipline him for using the gun in a manner
12 that was not appropriate?

13 A. No.

14 Q. Did you ever observe any
15 activity on Brian's part where he was using
16 the gun unsafely?

17 A. No.

18 Q. Although you did see him go
19 out and not use eye and ear protection?

20 A. Yes.

21 Q. Was there anything else that
22 he may have done that was unsafe in the
handling of the gun?

4 (Pages 13 to 16)

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1 MR. HODGE: Object to the
2 form.
3 A. No.
4 Q. Did this gun, when you went to
5 purchase it at Pawn City, did you inspect it
6 yourself?
7 A. All I really did is kind of
8 looked over it. You know I held it. I did
9 put it to my shoulder. But I didn't dry
10 shoot it and I didn't -- I just looked over
11 it.
12 Q. At the pawn shop, did you test
13 fire it?
14 A. No. I just pulled the
15 trigger, but that was it.
16 Q. Did you disassemble the gun
17 and view it?
18 A. No.
19 Q. And did it come with an
20 owner's manual?
21 A. No. I asked was there any
22 paperwork with it, and I was told no.
23 Q. And did you make any specific

1 sister's house --
2 Q. This is Bonnie?
3 A. Bobby.
4 Q. Bobby. Excuse me.
5 A. When I got there, Jim come out
6 said that Brian had been shot in the hand.
7 Q. And that's the first you
8 learned of him being shot in the hand?
9 A. Yes.
10 Q. Where had you been coming
11 from?
12 A. 3013 Hopewell Road.
13 Q. Your house?
14 A. Yes.
15 Q. Did you know that Brian had
16 taken his Norinco shotgun?
17 A. Yes, I did.
18 Q. Did he ask permission or was
19 he -- did he just generally have permission
20 to take his gun?
21 A. No, he asked for permission.
22 Q. And you gave it?
23 A. Yes. He said that he and my

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Page 20

1 request for an owner's manual?
2 A. No, I didn't.
3 Q. Did you make any effort
4 afterwards to locate an owner's manual?
5 A. No.
6 Q. Where was the gun stored at
7 your house?
8 A. It was kept in Brian's gun
9 safe.
10 Q. When you returned home with
11 the gun, at any point have you fired the
12 gun?
13 A. No.
14 Q. Either before the incident or
15 after the incident?
16 A. No.
17 Q. Tell me how you learned of the
18 incident.
19 A. Well, I was at home when Jim
20 called me and just told me to come pick him
21 up. I could hear panic in his voice. He
22 wouldn't tell me nothing. He just told me
23 to come pick him up. And when I got to my

1 nephew and his girlfriend were going
2 shooting. They were going to be at my
3 sister's house, just target shooting.
4 Q. And who is your nephew?
5 A. Jason Stewart.
6 Q. And his girlfriend was?
7 A. Felicia Sadler.
8 Q. And was there anyone else with
9 them?
10 A. Not that I recall.
11 Q. Was B. J. Sadler with them?
12 A. I don't think he was with them
13 at the house.
14 Q. At your house?
15 A. Yes.
16 Q. Did Brian have ammunition when
17 he left your house?
18 A. Yes.
19 Q. What did he have?
20 A. I think that he had ammunition
21 for his 270 and for the 12 gauge.
22 Q. Do you know where he got the
23 12 gauge ammunition?

5 (Pages 17 to 20)

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1 A. Wal-Mart.
 2 Q. Were you with him when he
 3 purchased it?
 4 A. Yes.
 5 Q. What did he purchase or how
 6 much did he purchase?
 7 A. He just got one box, the
 8 Remington 12 gauge. It was birdshot.
 9 Q. When your husband informed you
 10 of the incident, what did you two do at that
 11 point?
 12 A. Straight to the hospital.
 13 Q. And which hospital are we
 14 talking about?
 15 A. Lanier Memorial.
 16 Q. And once you were at the
 17 hospital, did you, while he was at Lanier
 18 Memorial, talk with Brian about what
 19 happened?
 20 A. Yes. He just said that he
 21 didn't know the gun went off. He said that
 22 the barrel, something about the barrel, and
 23 that when he grabbed it the gun went off.

Page 22

1 Q. And this is while you were at
 2 Lanier Memorial?
 3 A. Uh-huh.
 4 Q. Where was he when you were
 5 talking to him about this?
 6 A. He was in the hospital.
 7 Q. Okay.
 8 A. He was in the emergency room.
 9 Q. It was in the emergency room?
 10 A. Yes.
 11 Q. Was he actually being attended
 12 by the physicians while he was talking to
 13 you?
 14 A. Actually, there was no one in
 15 there at the time. It was just me and him.
 16 Q. Was this in the waiting room?
 17 A. No. This was in the
 18 emergency -- Well, in one of the rooms they
 19 have there. They had his hand bandaged up.
 20 And, of course, they had not given him
 21 anything for pain at that time.
 22 Q. Why hadn't they given him
 23 anything for pain?

Page 23

1 A. That, I can't answer.
 2 Q. They had already initially
 3 treated his hand by the time you got there?
 4 A. They had wrapped it and they
 5 were waiting for the surgeon to come in.
 6 Q. And while you were waiting for
 7 the surgeon to come, you had asked him what
 8 had happened?
 9 A. Yes.
 10 Q. And he said something about
 11 the barrel?
 12 A. Yes.
 13 Q. Are you able to be any more
 14 precise about what he said?
 15 A. He said: The gun jammed. And
 16 B. J. handed him the gun and the barrel
 17 slipped. Now, I don't know if it slipped
 18 off or just slipped out of his hand or what
 19 was going on, but he said the barrel just
 20 slipped and he grabbed it.
 21 Q. Now, you were here during your
 22 son's deposition; right?
 23 A. Uh-huh. Yes.

Page 22

1 Q. And do you have a specific
 2 recollection of him telling you while you
 3 were in the hospital with him there at
 4 Lanier Memorial, that B. J. handed the gun
 5 to him?
 6 A. Uh-huh.
 7 Q. That would be yes for her?
 8 A. Yes.
 9 Q. And you have a specific
 10 recollection that he told you about the
 11 barrel slipping?
 12 A. Yes.
 13 Q. But you are not able to be any
 14 more precise about the nature of the
 15 slippage?
 16 A. No.
 17 Q. You're not able to say whether
 18 the barrel became disengaged from the
 19 receiver, are you?
 20 MR. HODGE: Object to the
 21 form.
 22 A. No.
 23 Q. All you can say is that he

Page 24

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1 said: It slipped; right?
 2 A. Yes.
 3 Q. Did he tell you anything else
 4 at Lanier Memorial about the incident?
 5 A. Not that I recall.
 6 Q. Did you ask him why his hand
 7 was on the end of the barrel?
 8 A. Yes, I did.
 9 Q. And what did he say?
 10 A. He said: I don't know.
 11 Q. Did you ask him if he knew why
 12 it jammed?
 13 A. No, I didn't.
 14 Q. Did you ask him if he pulled
 15 the trigger?
 16 A. No, I didn't.
 17 Q. Did he say whether he pulled
 18 the trigger?
 19 A. No.
 20 Q. He didn't say one way or the
 21 other?
 22 A. No.
 23 Q. Did a law enforcement person

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1 come to Lanier Memorial hospital and
 2 interview him?
 3 A. No.
 4 Q. At any time, did a law
 5 enforcement officer, whether County or the
 6 State or some other level, interview Brian?
 7 A. No.
 8 Q. Do you know if this was ever
 9 reported to the police?
 10 A. As far as I know, it wasn't.
 11 Q. When you arrived at the
 12 hospital, who else was there besides Brian?
 13 A. My husband -- Well, my husband
 14 went with me, Bobbie and Ralph Stewart. I
 15 think Jason and Felicia were there. And I
 16 don't recall if B. J. came to the hospital
 17 or not.
 18 Q. Was B. J. at the house when
 19 you arrived at Bobbie's house?
 20 A. No.
 21 Q. Did you talk to anyone between
 22 leaving Bobbie's house and arriving at the
 23 hospital?

Page 27

1 A. No. Just Jim.
 2 Q. Have you seen the shotgun
 3 since this day?
 4 A. That's the first time I've
 5 seen it.
 6 Q. So, you've not seen it since
 7 the incident, until today?
 8 A. Uh-huh.
 9 Q. That would be correct?
 10 A. Yes.
 11 Q. Tell me about the course of
 12 treatment. How did the doctors treat him at
 13 Lanier Memorial and since then?
 14 A. Okay. After they patched his
 15 hand -- well, bandaged it up, the surgeon
 16 came in and took him into surgery. They
 17 cleaned it up and he immediately came out
 18 said that --
 19 Q. Let me interrupt.
 20 A. Okay.
 21 Q. Was he under general
 22 anesthesia for that surgery?
 23 A. Yes.

Page 28

1 Q. So, they knocked him out for
 2 that?
 3 A. Yes.
 4 Q. Okay. Go ahead.
 5 A. And he came out and said he
 6 had cleaned it up but there was nothing that
 7 he could do, that we needed to get him to
 8 Birmingham.
 9 Q. And what did y'all do next?
 10 A. That morning we left for
 11 Birmingham and got him to the emergency
 12 room.
 13 Q. This would be on the 16th you
 14 went to Birmingham?
 15 A. Yes. We went to the emergency
 16 room there. They took us on back. And the
 17 doctors, when they came in, once they looked
 18 it over, they took him to surgery and they
 19 repacked it and cleaned it.
 20 And that night they come in
 21 and told me that they thought that they
 22 should go ahead amputate the hand, that he
 23 would never have any use out of it. And

7 (Pages 25 to 28)

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| Page 29 | Page 31 |
|---|--|
| <p>1 that's when we told them that we wanted to 2 maybe try another doctor. 3 And then it was a few hours 4 later Dr. Burton's son had come in and said 5 that he had talked to a microsurgeon and 6 they wanted to see if they could find at 7 least one nerve. So the next day they went 8 back in and they found one nerve to reattach 9 and --</p> <p>10 Q. Is this the nerve that he was 11 talking about that was up toward his elbow?</p> <p>12 A. This was somewhere in his 13 hand.</p> <p>14 Q. They found a nerve down near 15 his hand?</p> <p>16 A. Yes.</p> <p>17 Q. Was he talking about a tendon 18 that was up near his elbow?</p> <p>19 A. Yes. They found a tendon they 20 were able to reattach, also.</p> <p>21 Q. On the trip from -- Well, 22 actually, let's back up. At Lanier 23 Memorial, when you first found your son,</p> | <p>1 Q. So, was it Dr. Sundin who -- 2 What additional surgery was performed after 3 Dr. Sundin came into the picture?</p> <p>4 A. Okay. Dr. Sundin, he's the 5 one that's at Birmingham that was at the 6 emergency room who cleaned his hand and they 7 took him back into surgery to see if they 8 could find a nerve. I think it was a 9 Dr. Ficks that done that.</p> <p>10 And then Dr. Sundin, I 11 couldn't tell you what all he done, but he 12 worked along with Dr. Long, who is his 13 physician now.</p> <p>14 Q. I saw reference to something 15 called an external fixator. Do you have any 16 idea what that is?</p> <p>17 A. Yes. That's when they had the 18 rods holding everything together in his 19 hand. You can see the scars where they 20 were. I think they started up here 21 (indicating).</p> <p>22 Q. And when you say up here, 23 you're talking about halfway up the forearm?</p> |
| Page 30 | Page 32 |
| <p>1 describe for me his state. 2 A. He was in a lot of pain and he 3 was real scared.</p> <p>4 Q. And after the surgery, how was 5 he?</p> <p>6 A. He was -- He stayed knocked 7 out. They had him on some strong pain 8 medication.</p> <p>9 Q. And what about the drive up to 10 Birmingham?</p> <p>11 A. He slept all the way.</p> <p>12 Q. And then you arrived at UAB 13 and he went into surgery again there?</p> <p>14 A. Yes.</p> <p>15 Q. And they had him under general 16 anesthesia for that?</p> <p>17 A. Yes.</p> <p>18 Q. And once they finished with 19 that surgery, did they wake him up?</p> <p>20 A. Yes.</p> <p>21 Q. And how was he at that point?</p> <p>22 A. He was groggy, complaining of 23 pain.</p> | <p>1 A. Yes. He had a rod here 2 (indicating), and I think one here 3 (indicating).</p> <p>4 Q. Two on the forearm?</p> <p>5 A. Yeah. I think that's right. 6 You would have to look at his arm to see the 7 scars. But I think there was two and it 8 come up and had it crossways.</p> <p>9 Q. And what was the purpose of 10 the fixator?</p> <p>11 A. To keep the wrist from 12 falling. All that was blown out.</p> <p>13 Q. Did you see -- Before they 14 repaired it, did you see his palm?</p> <p>15 A. Yes.</p> <p>16 Q. And what did it look like?</p> <p>17 A. It was a small hole here 18 (indicating), and then everything was blown 19 out back here (indicating).</p> <p>20 Q. When you say small hole, 21 you're talking about the palm?</p> <p>22 A. Yes.</p> <p>23 Q. And the back side was a much</p> |

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1 bigger blown-out area?
 2 A. Yes.
 3 Q. And could you see all the way
 4 through?
 5 A. Yes.
 6 Q. After that, Brian talked about
 7 this groin flap. Tell me about what they
 8 did there.
 9 A. Uh-huh. Okay. After they
 10 done the -- they found the nerve, they let
 11 it heal up, I'd say, a couple of days. And
 12 then to do the skin graft to cover the hole
 13 up on the back side of his hand, they
 14 attached him to his groin area like that
 15 (indicating). He was like that for about
 16 two weeks.
 17 Q. When I was talking to him, I
 18 got the impression it was kind of the hip or
 19 the buttock. It was more in the groin?
 20 A. It was more in the groin. It
 21 was between the hip and groin.
 22 Q. All right. Is that while the
 23 fixator was on?

1 and eating, of course, and just generally
 2 walking. He couldn't get comfortable
 3 sleeping. He had to kind of sleep on his
 4 side. Most of the time he slept in a
 5 recliner. And, of course, he couldn't bathe
 6 himself or go to the bathroom by himself.
 7 Q. Was he on pain medication?
 8 A. He had prescriptions for it,
 9 but Brian wouldn't take them. He said they
 10 made him sick. So he would take Tylenol or
 11 Advil.
 12 Q. Was this prescription-strength
 13 or was this over-the-counter?
 14 A. This was -- What, the Tylenol?
 15 Q. Yes, ma'am.
 16 A. It was over-the-counter.
 17 Q. Now, I assume that Brian was
 18 in school at this time of year?
 19 A. Yes.
 20 Q. What grade would that have
 21 been?
 22 A. He was in the eleventh.
 23 Q. Eleventh grade?

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Page 36

1 A. No.
 2 Q. So, they removed the fixator?
 3 A. Let me see if I can remember
 4 all of this. I think the fixator was after
 5 the flap.
 6 Q. And then he stayed in the
 7 hospital there at UAB for awhile; right?
 8 A. Yes.
 9 Q. And they discharged him in the
 10 middle of December?
 11 A. Yes.
 12 Q. Had they done any surgeries at
 13 that time, after the groin flap surgery?
 14 A. I don't think so.
 15 Q. They sent him home with the
 16 hand being sewn to the groin?
 17 A. Yes.
 18 Q. How long was he like that?
 19 A. Two weeks.
 20 Q. Describe for me what it was
 21 like for him.
 22 A. For me and him both it was
 23 miserable because he had a hard time sitting

1 A. Tenth. I'll get it straight.
 2 Q. Did he go back to school at
 3 all that year?
 4 A. Yes.
 5 Q. When did he go back to school?
 6 A. He started back in January or
 7 February.
 8 Q. Did he have to repeat a year?
 9 A. No.
 10 Q. Now, how did he make up his
 11 lost time?
 12 A. The school would send home the
 13 homework.
 14 Q. Did he have to do any summer
 15 schooling to make up?
 16 A. No.
 17 Q. How were his grades before
 18 this incident?
 19 A. Pretty good. I'd say, As, Bs
 20 and Cs.
 21 Q. Did he have a particular
 22 strength?
 23 A. Math.

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| | |
|--|--|
| Page 37 | Page 39 |
| <p>1 Q. And after this incident and up 2 to his graduation, how would you 3 characterize his grades? 4 A. Well, during the eleventh 5 grade, the end of the tenth grade and the 6 eleventh grade, his grades failed. And 7 then, of course, he got them brought up. We 8 would have to stay on him to keep him 9 focused. 10 Q. His senior year, he was able 11 to bring them up? 12 A. Yes. 13 Q. I understand he's going to 14 college now. 15 A. He'll start in the fall. 16 Q. Has he already been accepted? 17 A. Yes. 18 Q. And do you know if he's going 19 for a two- or four-year program? 20 A. Well, he wants to start the 21 two-year program at Southern Union and then 22 transfer to Auburn. 23 Q. To finish out a four-year</p> | <p>1 having him do? 2 A. Well, he would have to, like, 3 a bucket of rice with beans in it. He would 4 have to try to pick the beans out of it. 5 And, of course, putting the pegs in the 6 boards. Trying to strength train his hand. 7 Trying to get him to be able to squeeze. 8 Q. Was it a painful process, the 9 physical therapy? 10 A. Yes. 11 Q. Describe what it was like for 12 him. 13 A. Well, it was pretty tough 14 because, you know, he could move his pinky 15 and his thumb a little bit and just trying 16 to move them, plus, these two fingers have 17 no feel. 18 Q. Which two are you talking 19 about? 20 A. His index and his middle 21 finger, he has no feelings in those. So, 22 you know, the other fingers, I guess, 23 working the muscles in them, I guess, it</p> |
| Page 38 | Page 40 |
| <p>1 degree? 2 A. Yes. 3 Q. And he's looking to do 4 something in business-related degree? 5 A. Business and accounting. 6 Q. The spring of '04, did he have 7 physical therapy? 8 A. Yes. 9 Q. And where would that physical 10 therapy be at? 11 A. He's had it at HPRC in 12 Columbus. He only went there for a couple 13 of months. We didn't really care for them. 14 So we went back to his regular therapist, 15 which is in Opelika. 16 Q. Is that at East Alabama 17 Medical Center? 18 A. Yes. 19 Q. And describe for me how he did 20 with physical therapy. 21 A. He done good with the physical 22 therapy. 23 Q. What kinds of things were they</p> | <p>1 would be painful, especially down through 2 here (indicating). 3 Q. Now, when you say down through 4 here, what are you talking about? 5 A. Just where -- 6 Q. Down the wrist? 7 A. Yes. Down the wrist, the 8 forearm. 9 Q. By June of '04, he had 10 additional surgeries I saw. 11 A. Yes. 12 Q. Did he have any complications? 13 I saw that they were freeing the tendons 14 from adhesion. Was he having any 15 complications, that you understood? 16 A. No. 17 Q. What was the purpose of these 18 surgeries in June of '04? Could you tell me 19 what they were. 20 A. He's had thirteen. 21 Q. So, he's had thirteen 22 surgeries? 23 A. Yes.</p> |

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1 Q. And that includes from when he
2 first went to UAB to the present?
3 A. Yes.
4 Q. When was his most recent
5 surgery?
6 A. Just a couple of months ago.
7 Q. At UAB?
8 A. Yes.
9 Q. Who was the surgeon for that?
10 A. Dr. Long.
11 Q. Okay. Yeah. The medical
12 records will show what they show about which
13 surgery was when.
14 A. Uh-huh.
15 Q. Just give me the broad brush
16 stroke. Tell me what these surgeries are he
17 has gone through.
18 A. Okay. Of course, they found
19 the nerve the first surgery. Then he had
20 the flap. Then he had the rods in his arm.
21 He's had the bone graft. He's had scar
22 tissue removed. I think they scraped some
23 bone one time, it was growing outward.

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1 Q. You don't know if he's talking
2 months or years?
3 A. He's not making any promises
4 whatsoever.
5 Q. Now, Brian was in an auto
6 accident in the fall of '04?
7 A. Yes.
8 Q. What do you know about that?
9 A. They were hit head on. Brian
10 was sitting behind the driver, which was my
11 son, Cody. And as far as I know, the only
12 damage it done to any of them, I think one
13 of them banged their knees. I think that
14 was Michael Ledbetter. And Cody wasn't
15 hurt. And Brian just bruised his knuckle.
16 Q. On which hand?
17 A. Right.
18 Q. Now, Brian was right-handed;
19 right?
20 A. Yes.
21 Q. Have y'all required any home
22 medical care?
23 A. Yes.

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1 There's been so many. I know that he's got
2 to have a tendon surgery next.
3 Q. What are the doctors saying
4 about long term?
5 A. Well, according to Dr. Long,
6 he's never really been this far. He said
7 Brian's really trying.
8 Q. Who is he?
9 A. Dr. Long.
10 Q. The doctor, himself, has never
11 been this far?
12 A. The way he talked, he had
13 never had a patient to actually want to go
14 this far. He thinks -- He's hoping Brian
15 gets at least seventy percent use of his
16 hand back.
17 Q. What's the current use of his
18 hand?
19 A. I would say forty percent.
20 Q. Has the doctor given you an
21 idea of how long it will be before he hits
22 the maximum medical improvement?
23 A. No.

1 Q. What kind of home medical
2 care?
3 A. That's when we first brought
4 him home, after the first visit to
5 Birmingham. They sent someone in to try to
6 teach him the easy ways to get up and down
7 out of a chair, out of bed. But I think
8 they only came -- I think they came once or
9 twice a week for about three weeks. But
10 they told us, you know, that was just
11 wasting company money because they really
12 couldn't do anything with him. They could
13 just show him some easier ways to get up and
14 down.
15 Q. Who sent this home medical
16 personnel out?
17 A. If I'm not mistaken it was
18 through the insurance company.
19 Q. And do y'all have a family
20 doctor in town?
21 A. Yes.
22 Q. Who is that?
23 A. Dr. Eric Hemberg?

11 (Pages 41 to 44)

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|---|--|
| <p style="text-align: right;">Page 45</p> <p>1 Q. Hemberg, H-E-M-B-E-R-G? 2 A. Yes. 3 Q. Have y'all required any sort 4 of medical equipment or other equipment to 5 accommodate Brian's condition? 6 A. Yes, I think he's had a cane. 7 And he had a little contraption to help pull 8 himself out of bed. 9 Q. This would be a contraption in 10 his bedroom? 11 A. Yes. 12 Q. Does he still use that? 13 A. No. 14 Q. He's able to get out without 15 it? 16 A. Yes. 17 Q. Have you had to make any 18 changes or modifications to the house to 19 accommodate Brian, other than this 20 contraption you told me about? 21 A. No. 22 Q. What is Brian able to do 23 nowadays in terms of daily activities?</p> | <p style="text-align: right;">Page 47</p> <p>1 A. Yes. 2 Q. Now, y'all have medical 3 insurance? 4 A. Yes. 5 Q. And that's covered a portion 6 of your medical bills? 7 A. Yes. 8 Q. Have you had medical bills not 9 covered by health insurance? 10 A. No. 11 Q. Have you had out-of-pocket 12 expenses not -- you know, that have not been 13 covered by anybody else that you've had to 14 pay yourself? 15 A. Yes. 16 Q. Have you calculated all of 17 that yet? 18 A. No. 19 Q. It sounds like -- I heard from 20 your husband y'all have some paperwork 21 showing some of your out-of-pocket expenses. 22 A. Yes. 23 Q. And you've got all of that at</p> |
| <p style="text-align: right;">Page 46</p> <p>1 A. Well, I do get him to push the 2 vacuum and load the dishwasher and wash 3 clothes. 4 Q. Is he able to feed himself? 5 A. Yes. 6 Q. Does he cut his own food? 7 A. No. 8 Q. Is he able to write? 9 A. Not with his right hand. 10 Q. And he's trying to write with 11 his left hand? 12 A. Yes. 13 Q. And he does drive a car? 14 A. Yes. 15 Q. And does he drive on his own? 16 A. Yes. 17 Q. What is he doing during the 18 summer on a day-to-day basis? 19 A. He's been helping Jim with 20 inventory at the shop, just counting. He's 21 pretty good on a laptop with one hand. 22 Q. Do y'all have a computer at 23 home he uses?</p> | <p style="text-align: right;">Page 48</p> <p>1 your house? 2 A. Yes. 3 Q. If you would -- If you and 4 your husband could forward those to your 5 lawyers so we can have an idea of what 6 expenses you're going to be claiming. 7 A. Okay. 8 Q. And, you know, if y'all, in 9 consultation with your lawyers, could sit 10 down and figure out what that amount is, 11 that would be something I'd ask y'all to do. 12 Okay? 13 A. Okay. 14 Q. Who is your health insurer? 15 A. It's Anthem Blue Cross Blue 16 Shield. 17 Q. Okay. And that's through your 18 employer? 19 A. Yes. 20 Q. And have you had any secondary 21 health insurance that would have covered any 22 of your expenses? 23 A. No.</p> |

12 (Pages 45 to 48)

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1 Q. Did you have any copays that
2 you had to make throughout this process?
3 A. Yes.
4 Q. And would these copays you
5 would make to the hospital?
6 A. The doctors, the therapist,
7 the pharmacist.
8 Q. Did health insurance cover any
9 portion of physical therapy?
10 A. A portion, yes.
11 Q. Is he still undergoing
12 physical therapy?
13 A. Yes.
14 Q. How often does he go right
15 now?
16 A. Twice a week.
17 Q. And are you still going to
18 East Alabama Medical Center for that?
19 A. Yes.
20 Q. What is the name of the group?
21 A. It's Rehab Works.
22 Q. Is he seeing any physician in
23 Chambers County or a surrounding area with

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1 A. Yes.
2 MR. HIGEY: Off the Record.
3 (Off-the-Record discussion
4 was held.)
5 MR. HIGEY: We're done.
6 (The deposition was concluded at 2:40 p.m.,
7 June 8, 2006.)
8
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1 respect to his hand?
2 A. No.
3 Q. Is he seeing any physician,
4 specialist or general physician on a regular
5 basis for any condition?
6 A. No.
7 Q. Is he currently taking any
8 prescription medications?
9 A. No.
10 Q. Does he take any
11 over-the-counter medications?
12 A. Yes.
13 Q. What does he take?
14 A. Tylenol.
15 Q. For the purpose of pain
16 relief?
17 A. Yes.
18 Q. And was Brian drinking on the
19 day -- drinking alcohol on the day of this
20 shooting?
21 A. No.
22 Q. Did you pay for the gun in
23 cash?

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1 REPORTER'S CERTIFICATE
2 STATE OF ALABAMA,
3 ELMORE COUNTY,
4 I, Sara Mahler, Certified Shorthand
5 Reporter and Commissioner for the State of
6 Alabama at Large, do hereby certify that the
7 above and foregoing proceeding was taken
8 down by me by stenographic means, and that
9 the content herein was produced in
10 transcript form by computer aid under my
11 supervision, and that the foregoing
12 represents, to the best of my ability, a
13 true and correct transcript of the
14 proceedings occurring on said date and at
15 said time.
16 I further certify that I am neither
17 of kin nor of counsel to the parties to the
18 action; nor in any manner interested in the
19 result of said case.
20
21
22 Sara Mahler, CSR,
23 for the State of
Alabama at Large.

13 (Pages 49 to 52)

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| 8th 1:18 2:23 |
| 9 |
| 9 4:9 |

EXHIBIT C

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| | Page 1 | | Page 3 |
|----|--|----|--|
| 1 | IN THE CIRCUIT COURT OF | 1 | 2006, along with the exhibits. |
| 2 | CHAMBERS COUNTY, ALABAMA | 2 | Please be advised that this is the |
| 3 | | 3 | same and not retained by the Court Reporter, |
| 4 | CASE NUMBER: CV-05-02 | 4 | nor filed with the Court. |
| 5 | Brian Bonner, et al., | 5 | ***** |
| 6 | Plaintiff, | 6 | |
| 7 | vs. | 7 | |
| 8 | Interstate Arms Corporation, et al., | 8 | |
| 9 | Defendants. | 9 | |
| 10 | | 10 | |
| 11 | S T I P U L A T I O N | 11 | |
| 12 | IT IS STIPULATED AND AGREED by and | 12 | |
| 13 | between the parties through their respective | 13 | |
| 14 | counsel, that the deposition of James Tyler | 14 | |
| 15 | Knowles, Jr. may be taken before Sara | 15 | |
| 16 | Mahler, CSR, at the offices of the Wooten | 16 | |
| 17 | Law Firm, at 10 Second Avenue S.E., | 17 | |
| 18 | LaFayette, Alabama 36862, on the 8th day of | 18 | |
| 19 | June, 2006. | 19 | |
| 20 | | 20 | |
| 21 | DEPOSITION OF JAMES TYLER KNOWLES, JR. | 21 | |
| 22 | | 22 | |
| 23 | 48320 | 23 | |
| | Page 2 | | Page 4 |
| 1 | IT IS FURTHER STIPULATED AND | 1 | ***** |
| 2 | AGREED that the signature to and the reading | 2 | I N D E X |
| 3 | of the deposition by the witness is waived, | 3 | EXAMINATION |
| 4 | the deposition to have the same force and | 4 | PAGE |
| 5 | effect as if full compliance had been had | 5 | By Mr. Higey 7 |
| 6 | with all laws and Rules of Court relating to | 6 | ***** |
| 7 | the taking of depositions. | 7 | |
| 8 | IT IS FURTHER STIPULATED AND | 8 | |
| 9 | AGREED that it shall not be necessary for | 9 | |
| 10 | any objections to be made by counsel to any | 10 | |
| 11 | questions except as to form or leading | 11 | |
| 12 | questions, and that counsel for the parties | 12 | |
| 13 | may make objections and assign grounds at | 13 | |
| 14 | the time of the trial, or at the time said | 14 | |
| 15 | deposition is offered in evidence, or prior | 15 | |
| 16 | thereto. | 16 | |
| 17 | IT IS FURTHER STIPULATED AND | 17 | |
| 18 | AGREED that in accordance with Rule 5(d) of | 18 | |
| 19 | The Alabama Rules of Civil Procedure, as | 19 | |
| 20 | Amended, effective May 15, 1988, I, Sara | 20 | |
| 21 | Mahler, am hereby delivering to Todd M. | 21 | |
| 22 | Higey the original transcript of the oral | 22 | |
| 23 | testimony taken on the 8th day of June, | 23 | |

1 (Pages 1 to 4)

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| | Page 5 | Page 7 |
|--|---|---|
| 1 IN THE CIRCUIT COURT OF 2 CHAMBERS COUNTY, ALABAMA 3 4 CASE NUMBER: CV-05-02 5 Brian Bonner, et al., 6 Plaintiff, 7 vs. 8 Interstate Arms Corporation, et al., 9 Defendants. 10 11 BEFORE: 12 SARA MAHLER, Commissioner. 13 APPEARANCES: 14 DAVID W. HODGE, ESQUIRE, of 15 Pittman, Hooks, Dutton, Kirby & Hellums, 16 2001 Park Place North, Suite 1100, 17 Birmingham, Alabama 35203, appearing on 18 behalf of the Plaintiff. 19 NICK WOOTEN, ESQUIRE, of the 20 Wooten Law Firm, 10 Second Avenue S.E., 21 LaFayette, Alabama 36862, appearing on 22 behalf of the Plaintiff. 23 TODD M. HIGEY, ESQUIRE, of Adams | | <p>1 examination, whereupon the following 2 proceedings were had: 3 JAMES TYLER KNOWLES, JR., 4 being first duly sworn, was examined and 5 testified as follows: 6 COURT REPORTER: Usual 7 stipulations? 8 MR. HIGEY: Yes. 9 MR. HODGE: That's fine. 10 EXAMINATION 11 BY MR. HIGEY: 12 Q. Would you please state your 13 full name. 14 A. James Tyler Knowles, Jr. 15 Q. And your present address? 16 A. 3013 Hopewell Road, Valley 17 Alabama, 36854. 18 Q. All right. And where are you 19 presently working? 20 A. I'm self-employed. 21 Q. Okay. And what's your line of 22 business? 23 A. I own a lawn mower shop.</p> |
| | Page 6 | Page 8 |
| 1 and Reese, 2100 Third Avenue North, Suite 2 1100, Birmingham, Alabama 35203, appearing 3 on behalf of the Defendant, Interstate Arms. 4 CURT JOHNSON, ESQUIRE, of Johnson, 5 Caldwell & McCoy, 117 North Lanier Avenue, 6 Suite 201, Lanett, Alabama 36863, appearing 7 on behalf of the Defendant, Interstate Arms. 8 RANDOLPH GILLUM, ESQUIRE, of 9 Rogers & Associates, 3000 Riverchase 10 Galleria, Suite 650, Birmingham, Alabama 11 35244, appearing on behalf of the Defendant, 12 Pawn City. 13 ***** 14 I, SARA MAHLER, CSR, a Court 15 Reporter of Wetumpka, Alabama, acting as 16 Commissioner, certify that on this date, as 17 provided by the Alabama Rules of Civil 18 Procedure and the foregoing stipulation of 19 counsel, there came before me at the offices 20 of the Wooten Law Firm, 10 Second Avenue 21 S.E., LaFayette, Alabama 36862, beginning at 22 12:45 p.m., James Tyler Knowles, Jr., 23 witness in the above cause, for oral | <p>1 Q. All right. Now, how long have 2 you been married to Ms. Knowles? 3 A. Oh Lord. She'd kill me if she 4 was in here. 5 Q. Let me get you off the hook 6 here. About how old was Brian when you 7 married her? 8 A. About twelve, I think. 9 Somewhere around in there. 10 Q. Did you teach Brian anything 11 about how to shoot guns? 12 A. Well, we've -- I've always 13 owned guns, and, you know, they went out and 14 shot with me. We've got fifteen acres of 15 land, and they shoot. 16 And I've always tried to teach 17 them safety and, kind of, watch them most of 18 the time until they got up to a certain age. 19 Q. And what kinds of things did 20 you teach Brian about gun safety? 21 A. One thing, not pointing them 22 at nobody and unloading them when he comes 23 in the house and puts them up and stuff like</p> | |

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| | |
|--|--|
| <p style="text-align: right;">Page 9</p> <p>1 that.</p> <p>2 Q. All right. And did you teach</p> <p>3 Brian anything about gun maintenance?</p> <p>4 A. No.</p> <p>5 Q. You own firearms yourself?</p> <p>6 A. Uh-huh.</p> <p>7 Q. And you have several firearms</p> <p>8 in the house?</p> <p>9 A. Uh-huh.</p> <p>10 Q. That would be yes for her?</p> <p>11 A. Yes.</p> <p>12 Q. Have you given a deposition</p> <p>13 before, Mr. --</p> <p>14 A. Yes, sir.</p> <p>15 Q. -- Knowles? As you may know,</p> <p>16 we just need to make sure we answer out loud</p> <p>17 yes or no, so she can understand what we're</p> <p>18 saying.</p> <p>19 A. All right.</p> <p>20 Q. If you forget, that's okay.</p> <p>21 I'll remind you. The gun that brings us</p> <p>22 here today the Norinco shotgun, were you</p> <p>23 there when it was purchased?</p> | <p style="text-align: right;">Page 11</p> <p>1 it was right after he had had the accident.</p> <p>2 Q. It was after the accident?</p> <p>3 A. Yes. Uh-huh.</p> <p>4 Q. All right. But before the</p> <p>5 accident, you didn't have occasion to hold</p> <p>6 it?</p> <p>7 A. No.</p> <p>8 Q. All right. And you didn't</p> <p>9 have occasion to inspect it?</p> <p>10 A. No.</p> <p>11 Q. Where was the gun kept at the</p> <p>12 house?</p> <p>13 A. He's got a gun safe, and</p> <p>14 that's normally where he keeps his gun.</p> <p>15 Q. Where is his gun safe?</p> <p>16 A. He's moved it around a couple</p> <p>17 of times. One time in his bedroom and then</p> <p>18 he put it in his closet.</p> <p>19 Q. Do you hunt?</p> <p>20 A. No.</p> <p>21 Q. So you've never been hunting</p> <p>22 with Brian?</p> <p>23 A. Well I've been hunting, but</p> |
| <p style="text-align: right;">Page 10</p> <p>1 A. No.</p> <p>2 Q. All right. Did you ever go</p> <p>3 with Brian to look at the gun?</p> <p>4 A. No.</p> <p>5 Q. When's the first time you saw</p> <p>6 that gun?</p> <p>7 A. When he and his mama bought it</p> <p>8 and brought it home.</p> <p>9 Q. Okay. Did you test fire the</p> <p>10 gun?</p> <p>11 A. No.</p> <p>12 Q. Did you inspect the gun?</p> <p>13 A. No.</p> <p>14 Q. Did you hold the gun?</p> <p>15 A. No.</p> <p>16 Q. All right. At any time</p> <p>17 between the time it was brought home until</p> <p>18 Brian got injured, did you shoot the gun?</p> <p>19 A. No.</p> <p>20 Q. At any time between it was</p> <p>21 brought home and when Brian got injured, did</p> <p>22 you hold the gun?</p> <p>23 A. Only time I remember holding</p> | <p style="text-align: right;">Page 12</p> <p>1 not with Brian.</p> <p>2 Q. Okay. So you hunt yourself,</p> <p>3 but you hadn't been hunting with Brian?</p> <p>4 A. Well, I've probably been</p> <p>5 hunting seven or eight times in my whole</p> <p>6 life.</p> <p>7 Q. Okay. Did you see this</p> <p>8 incident when it happened?</p> <p>9 A. No.</p> <p>10 Q. All right. Where were you</p> <p>11 when it happened?</p> <p>12 A. I was in my brother-in-law and</p> <p>13 sister-in-law's house.</p> <p>14 Q. Who would that be?</p> <p>15 A. At that time, -- well, my</p> <p>16 sister-in-law was Bobbie Stewart, and she</p> <p>17 was married to Ralph Stewart at that time.</p> <p>18 Q. Bobbie is your sister?</p> <p>19 A. My sister-in-law.</p> <p>20 Q. So Ralph is your brother?</p> <p>21 A. Ralph was her husband at the</p> <p>22 time.</p> <p>23 Q. All right.</p> |

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|--|---|
| <p style="text-align: right;">Page 13</p> <p>1 A. I say my brother-in-law and 2 sister-in-law at the time because they're 3 divorced now. 4 Q. Okay. All right. Well, who 5 are you actually kin to? 6 A. Well, Bobbie is my wife's 7 sister. 8 Q. Okay. You were at the house? 9 A. I was at the house that day. 10 Q. And what were you doing? 11 A. Well, me and Brian had just 12 gotten over there to their house that day, 13 and my wife was going to come over later 14 that evening. And Brian and the little boy 15 B.J. that was with him when this happened, 16 they was standing around in the house, and 17 said, you know, we're fixing to go out and 18 shoot the gun. And they left. And if I 19 recall right, probably within fifteen or 20 twenty minutes later, B.J. come running in 21 the house, and he was screaming and fell in 22 the floor and said that Brian had shot his 23 self, and me and my brother-in-law --</p> | <p style="text-align: right;">Page 15</p> <p>1 and that one went straight out into the 2 driveway. And that was the one B.J. had run 3 in, and, you know, we got up and run out 4 that one, so it was the side door. 5 Q. Side door? 6 A. Yes. Uh-huh. 7 Q. Okay. And when you got out, 8 you could see Brian? 9 A. Yes. I could see him coming 10 up the driveway. 11 Q. And Bobbie was with him? 12 A. Uh-huh. 13 Q. Now, what'd you do next? 14 A. Well, I run up to him, and me 15 and my brother-in-law were scrambling 16 together to see, you know, what we needed to 17 do. And my brother-in-law brought a towel 18 out there and wrapped it around his hand, 19 and told me, he said, Jim, you just call Kay 20 and tell her to come over here, and don't 21 tell her what has happened because we didn't 22 want her to be flying and have a wreck in 23 the car.</p> |
| <p style="text-align: right;">Page 14</p> <p>1 Q. This would be Ralph? 2 A. -- Ralph Stewart. We got up 3 and took off out the back door. And at that 4 time my sister-in-law, Bobbie, she was 5 coming up the driveway and Brian was just 6 walking right beside her, and she was 7 holding him, and he was holding his hand 8 just like this, screaming. 9 But I mean I didn't know what 10 had happened at that time, and when I got up 11 to him it appeared to me that he was in 12 shock. He had a hole -- you could see all 13 the way through his hand. 14 Q. Now, where were Brian and B.J. 15 shooting? 16 A. I don't have a clue. 17 Q. You ran out the back door? 18 A. Well, when I say the back 19 door, the way their house was, the front of 20 the house, the front door was on this 21 side(indicating) and the back door and then 22 they had a hall you could go down to go out, 23 what I would call the side door. You know,</p> | <p style="text-align: right;">Page 16</p> <p>1 And we put him in the front 2 seat of his truck, and Ralph took off to 3 Lanier with him. And I called my wife and 4 told her, look you need to come on over here 5 now. And within about five minutes she was 6 there, and I told her what had happened, and 7 we went to the hospital. 8 Q. And before Brian left with 9 Ralph, did he tell you what had happened? 10 A. No. Huh-uh. I didn't really 11 talk much to Brian about what happened 12 probably a month if not later after that in 13 the hospital. You know, we was just setting 14 around trying to get through that, and then 15 we talked a little bit about it. 16 Q. Now, they took him to the 17 local hospital? 18 A. Yeah. They took him to Lanier 19 Memorial Hospital. 20 Q. From there? 21 A. Well, when we got there, they 22 cleaned his hand up and packed it, and they 23 told us right away that there was nothing</p> |

4 (Pages 13 to 16)

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1 they could do for him. And then they said,
2 well, we've got to get a room in Birmingham.
3 They started making phone
4 calls, and they said that they would have a
5 room available the next morning. So that
6 night, my wife and Brian spent the night at
7 Lanier Memorial, and I went on home and come
8 back and picked them up that morning, and we
9 went straight to Birmingham?

10 Q. You drove him up to
11 Birmingham?

12 A. Yes. I drove him to
13 Birmingham.

14 Q. And did he stay in Birmingham
15 for a while then?

16 A. Yeah. I can't remember
17 exactly how long it was that first time,
18 but, yes, we was up there a while.

19 Q. Now, at the hospital, was
20 there any law enforcement person, hunting
21 game warden, sheriff, anybody come to
22 investigate and interview?

23 A. No. Well, you asking about

Page 19

1 Q. Okay. When B.J. came in, you
2 said he was screaming and threw himself on
3 the ground when he first came in the house?

4 A. He fell coming in the door.

5 Q. At that time did he tell you
6 what had happened?

7 A. No.

8 Q. Now, after --

9 A. Other than he had shot his
10 self.

11 Q. Did he give anymore detail
12 than that?

13 A. No.

14 Q. Now, after Ralph had left with
15 Brian, did you talk to B.J. about what had
16 happened?

17 A. No.

18 Q. Now, at any time since then,
19 have you talked with B.J. about what
20 happened?

21 A. The only time I talked to B.J.
22 -- Lord, I can't remember when it was. I
23 talked to him once before, but it wasn't

Page 18

1 Lanier or Birmingham?

2 Q. Well, let's start with Lanier.

3 A. Okay. That was -- at Lanier
4 if a police come in and took a report there,
5 I don't know of it.

6 Q. Okay.

7 A. I mean I never seen or talked
8 to a police officer there.

9 Q. Okay.

10 A. And they say, you know,
11 they're really supposed do that on gun shot
12 accidents or problems like this. I mean,
13 but I never seen one there, and I never
14 talked to one in Birmingham.

15 The only person I talked to
16 when we got to Birmingham, we went straight
17 in the emergency room part and told them,
18 we're here, supposed to have a room and they
19 sent us back.

20 Q. All right. So at no time have
21 you talked to a law enforcement person about
22 this incident?

23 A. No.

Page 20

1 about what had happened, you know.

2 THE WITNESS: Wasn't it me and
3 you talking about getting B.J. to --

4 MR. HODGE: Don't talk about
5 anything you talked to B.J. about with us
6 present.

7 THE WITNESS: Yes. Okay.

8 A. I had -- the only -- as far as
9 talking to B.J. about exactly what happened,
10 I mean, I don't know.

11 Q. All right. Did you talk to
12 B.J. with lawyers present?

13 A. No. Huh-uh. No.

14 Q. All right. Who else was at
15 the house that day when it occurred?

16 A. It was me, Ralph, Bobbie,
17 B.J., Brian, and, I think, it was Jamie
18 Stewart, which is Bobbie's daughter, my
19 niece.

20 Q. Jamie Stewart?

21 A. Uh-huh. Jamie Stewart.

22 Q. All right. That's a girl?

23 A. Yes. Uh-huh.

5 (Pages 17 to 20)

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1 Q. Where was she, when all this
 2 happened?

3 A. I don't know. I can't
 4 remember that.

5 Q. Now, why did Ralph go to the
 6 hospital as opposed to you?

7 A. Well, his truck was there and
 8 it was the closest one we was to. And, you
 9 know, we wrapped him up, and he told me to
 10 call Kay, and that he would take care of him
 11 and get him on down there as quick as he
 12 could, and make sure he was all right.

13 Q. Have you handled this gun
 14 since this incident?

15 A. No. Huh-uh.

16 Q. All right. After Brian left,
 17 did you go to where the gun was?

18 A. I never went to where it
 19 happened at.

20 Q. You never went and picked up
 21 the gun?

22 A. The only time I touched that
 23 gun after that is just at my house after

Page 23

1 Q. Now, you viewed it after it
 2 left Chris' house?

3 A. Yes.

4 Q. How did it leave? Did you
 5 pick it up from Chris' house?

6 A. I don't remember who picked it
 7 up.

8 Q. When you next viewed the gun,
 9 describe its condition for me?

10 A. Well, if I recall right, the
 11 barrel, that piece right there where it
 12 screws on the end(indicating), that piece
 13 was broke off of it. I mean that's all I
 14 remember about it.

15 Q. Did you pull out the trigger
 16 mechanism?

17 A. No, no. I didn't do anything
 18 like that to it.

19 Q. At any time, did you sit down
 20 with Brian and ask him to explain what
 21 happened?

22 A. Well, we didn't talk about it
 23 for a while there you know him going through

Page 22

1 that just looking at it. And when -- see
 2 for a while, we kept that gun at my other
 3 brother-in-law's house.

4 Q. Who's that?

5 A. Chris Dennis. He's the one
 6 married to Bobbie, now. And he kept it
 7 there, and then, when we had to turn the gun
 8 over for all of this, you know, he brought
 9 it to us.

10 Q. How did it wind up at Chris'
 11 house?

12 A. Chris took it.

13 Q. From where? In other words
 14 how did Chris get it?

15 A. I don't really know. I mean I
 16 don't know.

17 Q. You just know at some point it
 18 was in Chris' possession?

19 A. Yes.

20 Q. Did you view it at Chris'
 21 house?

22 A. No. I never viewed it at his
 23 house.

Page 24

1 all of that at the hospital. But the only
 2 thing that I -- I mean, he's told me a
 3 couple of times, you know, the barrel come
 4 off of it, but that's about it.

5 Q. When did he first say that?

6 A. I can't remember.

7 Q. Was this while he was at UAB
 8 or after that?

9 A. Yeah. We talked a little bit
 10 about it at UAB, you know, but after then
 11 just a couple of times on occasion.

12 Q. Did you discuss it in any
 13 greater detail what occurred?

14 A. Well, basically, you know,
 15 pretty much all he could ever tell me was
 16 about the barrel coming loose off and, you
 17 know, and that at that time, he didn't
 18 remember much about it.

19 Q. Did he say one way or the
 20 other whether he had dropped the gun?

21 A. No.

22 Q. Did you ever talk with Chris
 23 about what he knows about the gun or the

6 (Pages 21 to 24)

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1 condition of the gun?

2 A. No. Just -- we talked about
 3 what had happened -- what could have
 4 possibly happened to the gun to cause it.
 5 You know, just things like that. But other
 6 than that, nothing else.

7 Q. What did Chris express?

8 A. Just didn't know.

9 Q. Now, Brian's graduated from
 10 high school; is that right?

11 A. Yes.

12 Q. What kind of grades did he get
 13 in school?

14 A. Well, Brian, he's, kind of,
 15 been up and down. You know, I think when he
 16 graduated, he had a few As and Bs. And then
 17 there's been times he had Ds and Fs, and,
 18 you know, pulled the Fs up. In some of his
 19 classes, he'd have, you know, low D and
 20 there in the end, he done pretty good just
 21 average I guess.

22 Q. What courses did he tend to do
 23 better in?

Page 26

Page 28

1 A. I think his strongest subjects
 2 was P.E. for one, math, and some of his
 3 middle and worse ones were like social
 4 studies, reading, and stuff like that.

5 Q. Was he a member of any clubs
 6 or associations?

7 A. No.

8 Q. Did he play sports at all?

9 A. No.

10 Q. Would you consider him a
 11 bright young man?

12 A. Yes. Brian, he's pretty good.
 13 But he's -- like I said, I mean, you want
 14 your kids to do good and be the best, but I
 15 think Brian is probably borderline average.

16 Q. Did he show any mechanical
 17 aptitude?

18 A. Yes. He helped me, you know,
 19 at times at the shop up until this happened.
 20 And, you know -- I mean he'd always wanted
 21 to help me some and work on cars, you know,
 22 and after that, you know, he couldn't do
 23 that anymore.

1 Q. Did he -- you ever see him
 2 like to take apart his guns and put them
 3 back together again?

4 A. No. I've never seen him
 5 disassemble one and put it back together.

6 Q. What's he doing nowadays?

7 A. Well, he just graduated
 8 school, and he's hoping to start Southern
 9 Union after the summer. And other than
 10 that, you know, I carry him to the shop with
 11 me to keep him from sitting at home.

12 Of course, we just had a bad
 13 fire in our business back in September, you
 14 know, and we are opening up in a new
 15 location. And we're doing an inventory,
 16 now, you know, with all the new parts coming
 17 in, and I let him set up there with his
 18 laptop, you know, and put inventory in. And
 19 we download it into the computer and stuff
 20 like that to give him a little something to
 21 do.

22 Q. A little bit of bookkeeping
 23 work?

Page 26

Page 28

1 A. Yes. You know, but I mean
 2 he's not an the payroll or nothing. He just
 3 comes up to help me a little with that.

4 Q. Has he been accepted to this
 5 Southern Union?

6 A. Yes.

7 Q. Is that a two-year or a
 8 four-year school?

9 A. I think Brian's going four
 10 years. He got a -- he won every year.
 11 Where my wife works at Knauf, they have a
 12 drawing for a scholarship. And the only
 13 scholarship he got, he won a
 14 four-thousand-dollar scholarship from there.
 15 It's a thousand dollars per year. But he'll
 16 definitely have to keep a C average to keep
 17 that. And then the church, Lanett
 18 Congressional Church. I can't remember what
 19 it was, but they give him a little bit, too.

20 Q. Okay. Is there anyone else
 21 you've talked to about this incident, any
 22 other person who witnessed it?

23 A. No. You know, the only way

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| | |
|---|---|
| Page 29 | Page 31 |
| <p>1 that I've talked to anybody about it, you 2 know, just since it happened up until now, 3 you know. The people always asking how he's 4 doing. What could have happened, you know.</p> <p>5 Q. Right, right. I'm concerned 6 more about anyone who would have been there 7 at the house that day or would have been 8 there immediately afterward?</p> <p>9 A. No. Huh-uh.</p> <p>10 Q. What's your understanding of 11 what treatment he'll need in the future?</p> <p>12 A. That is something I don't 13 know. I mean, the plastic surgeons that's 14 worked on him, Dr. Sundin was the first, and 15 now Dr. Long.</p> <p>16 Pretty much what I've gathered 17 from it is -- I mean, they made this remark 18 to us before that it was the worst hand 19 injury they had ever seen, and if he did 20 make it, and they got his hand working 21 again, that he would go down in the medical 22 history books.</p> <p>23 And, you know, it's kind of</p> | <p>1 A. Well, you know just those with 2 the two fingers, from what I've gathered of 3 it -- you know, my wife, of course, she goes 4 more to Birmingham with him now. You know, 5 they'll go in, cut scar tissue out. And, 6 you know, I think they'll have a problem 7 with that with it building up.</p> <p>8 Q. You're talking about the --</p> <p>9 A. These two fingers(indicating).</p> <p>10 Q. -- Pointer finger and the 11 middle finger?</p> <p>12 A. Yeah. Uh-huh. To me, that's 13 the ones he has the most trouble with now.</p> <p>14 Q. Now, y'all have health 15 insurance?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Whose health insurance has 18 been covering your expenses?</p> <p>19 A. The insurance we got through 20 Knauf, I think.</p> <p>21 Q. That's your wife's employer?</p> <p>22 A. Yes.</p> <p>23 Q. It's not your health</p> |
| Page 30 | Page 32 |
| <p>1 one of them things where they're pretty much 2 doing what they can do to make it work again 3 and hope that they can do that.</p> <p>4 But as far as how many more 5 surgeries he'll need or what, I mean, I 6 don't even think the doctors can say that 7 right now.</p> <p>8 Q. What's he able to do with his 9 hand nowadays?</p> <p>10 A. Well, the hand is messed up. 11 Really, not much. I mean, you know, he'll 12 try to wash some dishes and stuff and drop 13 stuff on occasions, you know.</p> <p>14 But he works real hard at 15 therapy with it and trying to do the best he 16 can do, but, you know, you can look at his 17 hand and tell he can't do much with it. And 18 the two fingers up here(indicating), you 19 know, those -- they worry about them from 20 time to time.</p> <p>21 Q. You said they worry?</p> <p>22 A. Yes.</p> <p>23 Q. Why do they worry?</p> | <p>1 insurance?</p> <p>2 A. No. I worked at Knauf before 3 I opened my business full-time. I was out 4 there five years, and we used to have the 5 insurance through me, the same insurance. 6 And when I quit and opened the business up 7 full time, then we transferred it over to my 8 wife.</p> <p>9 Q. It's been in her name?</p> <p>10 A. Yes, it's been in her name.</p> <p>11 Q. Have there been medical 12 expenses that have not been reimbursed by 13 insurance that you'd have to pay yourself?</p> <p>14 A. I know me and my wife's had to 15 pay a good bit of money out of pocket that 16 insurance didn't cover, you know. As far as 17 the medical expense part of it, I mean, I 18 couldn't tell you exactly what dollar amount 19 or how much, you know. She knows more about 20 that than I do.</p> <p>21 Q. I need to ask her about what 22 kind of out-of-pocket expenses you've had?</p> <p>23 A. Yes.</p> |

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1 **Q. And then y'all have had**
 2 **probably --**

3 A. Well, now if you figure -- You
 4 talk about out-of-pocket expenses, I mean,
 5 you know, we've got records at home and
 6 we're going to try to get them all up and
 7 looked at.

8 But there's quite a few
 9 thousand dollars that I know that we've had
 10 to pay out of pocket. And not to mention
 11 trips back and forth to Birmingham, motels
 12 and, you know, stuff, it does get very
 13 expensive.

14 **Q. Have y'all sat down and added**
 15 **all that up yet?**

16 A. No. Huh-uh.

17 **Q. Do you ever talk to anyone**
 18 **from Pawn City about this gun?**

19 A. No. Huh-uh.

20 **Q. Before or after?**

21 A. No. Huh-uh.

22 **Q. Did you ever contact anyone at**
 23 **Interstate Arms about this case?**

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1 **REPORTER'S CERTIFICATE**
 2 **STATE OF ALABAMA,**
 3 **ELMORE COUNTY,**
 4 I, Sara Mahler, Certified Shorthand
 5 Reporter and Commissioner for the State of
 6 Alabama at Large, do hereby certify that the
 7 above and foregoing proceeding was taken
 8 down by me by stenographic means, and that
 9 the content herein was produced in
 10 transcript form by computer aid under my
 11 supervision, and that the foregoing
 12 represents, to the best of my ability, a
 13 true and correct transcript of the
 14 proceedings occurring on said date and at
 15 said time.

16 I further certify that I am neither
 17 of kin nor of counsel to the parties to the
 18 action; nor in any manner interested in the
 19 result of said case.

20

21

22

Sara Mahler, CSR,
 for the State of
 Alabama at Large.

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1 A. I didn't.

2 **Q. Do you know anyone who has?**

3 A. No, I don't.

4 **Q. All right. You hadn't tried**
 5 **to contact Norinco have you?**

6 A. No, I haven't.

7 MR. HIGEY: Those are all my
 8 questions.

9 MR. GILLUM: I don't have any
 10 questions.

11 MR. HODGE: You're done.
 12 (The deposition was concluded at 1:15 p.m.,
 13 June 8, 2006.)

14

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| <p>17:7,9 18:16 21:18 21:20 Wetumpka 6:15 we're 9:17 13:17 18:18 27:15 33:6 we've 8:12,14 17:2 33:5,9 what'd 15:13 When's 10:5 wife 13:13 16:3 17:6 28:11 31:3 32:8 wife's 13:6 31:21 32:14 wind 22:10 witness 2:3 6:23 20:2,7 witnessed 28:22 won 28:10,13 Wooten 1:16 5:19,20 6:20 words 22:13 work 26:21 27:23 30:2 worked 29:14 32:2 working 7:19 29:20 works 28:11 30:14 worry 30:19,21,23 worse 26:3 worst 29:18 wrapped 15:18 21:9 wreck 15:22</p> <hr/> <p style="text-align: center;">X</p> <p>X 4:2</p> <hr/> <p style="text-align: center;">Y</p> <p>Yeah 16:18 17:16 24:9 31:12 year 28:10,15 years 28:10 32:4 young 26:11 y'all 31:14 33:1,14</p> <hr/> <p style="text-align: center;">1</p> <p>1:15 34:12 10 1:17 5:20 6:20 1100 5:16 6:2 117 6:5 12:45 6:22 15 2:20 1988 2:20</p> <hr/> <p style="text-align: center;">2</p> <p>2001 5:16 2006 1:19 3:1 34:13 201 6:6 2100 6:1</p> | <p style="text-align: center;">3</p> <p>3000 6:9 3013 7:16 35203 5:17 6:2 35244 6:11 36854 7:17 36862 1:18 5:21 6:21 36863 6:6</p> <hr/> <p style="text-align: center;">4</p> <p>48320 1:23</p> <hr/> <p style="text-align: center;">5</p> <p>5(d) 2:18</p> <hr/> <p style="text-align: center;">6</p> <p>650 6:10</p> <hr/> <p style="text-align: center;">7</p> <p>7 4:5</p> <hr/> <p style="text-align: center;">8</p> <p>8 34:13 8th 1:18 2:23</p> |
|---|---|

EXHIBIT D

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Page 1

1 IN THE CIRCUIT COURT OF
2 CHAMBERS COUNTY, ALABAMA

4 CASE NUMBER: CV-05-02

5 Brian Bonner, et al.,

6 Plaintiff,

7 vs.

8 Interstate Arms Corporation, et al.,
9 Defendants.

10

11 STIPULATION

12 IT IS STIPULATED AND AGREED by and
13 between the parties through their respective
14 counsel, that the deposition of Tyler
15 Knowles may be taken before Sara Mahler,
16 CSR, at the offices of the Wooten Law Firm,
17 at 10 Second Avenue S.E., LaFayette, Alabama
18 36862, on the 8th day of June, 2006.

20 DEPOSITION OF TYLER KNOWLES

22 48320

Page 3

1 2006, along with the exhibits.

2 Please be advised that this is the
3 same and not retained by the Court Reporter,
4 nor filed with the Court.

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Page 2

1 IT IS FURTHER STIPULATED AND
2 AGREED that the signature to and the reading
3 of the deposition by the witness is waived,
4 the deposition to have the same force and
5 effect as if full compliance had been had
6 with all laws and Rules of Court relating to
7 the taking of depositions.

8 IT IS FURTHER STIPULATED AND
9 AGREED that it shall not be necessary for
10 any objections to be made by counsel to any
11 questions except as to form or leading
12 questions, and that counsel for the parties
13 may make objections and assign grounds at
14 the time of the trial, or at the time said
15 deposition is offered in evidence, or prior
16 thereto.

17 IT IS FURTHER STIPULATED AND
18 AGREED that in accordance with Rule 5(d) of
19 The Alabama Rules of Civil Procedure, as
20 Amended, effective May 15, 1988, I, Sara
21 Mahler, am hereby delivering to Todd M.
22 Higey the original transcript of the oral
23 testimony taken on the 8th day of June,

Page 4

1 *****

2 I N D E X

3 EXAMINATION

4 PAGE

5 By Mr. Johnson 7

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1 (Pages 1 to 4)

LEGALINK, A MERRILL COMPANY
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1 IN THE CIRCUIT COURT OF
2 CHAMBERS COUNTY, ALABAMA
3
4 CASE NUMBER: CV-05-02
5 Brian Bonner, et al.,
6 Plaintiff,
7 vs.
8 Interstate Arms Corporation, et al.,
9 Defendants.
10
11 BEFORE:
12 SARA MAHLER, Commissioner.
13 APPEARANCES:
14 DAVID W. HODGE, ESQUIRE, of
15 Pittman, Hooks, Dutton, Kirby & Hellums,
16 2001 Park Place North, Suite 1100,
17 Birmingham, Alabama 35203, appearing on
18 behalf of the Plaintiff.
19 NICK WOOTEN, ESQUIRE, of the
20 Wooten Law Firm, 10 Second Avenue S.E.,
21 LaFayette, Alabama 36862, appearing on
22 behalf of the Plaintiff.
23 TODD M. HIGEY, ESQUIRE, of Adams

Page 7

1 the following proceedings were had:
2 TYLER KNOWLES,
3 being first duly sworn, was examined and
4 testified as follows:
5 COURT REPORTER: Usual
6 stipulations?
7 MR. JOHNSON: Yes, ma'am.
8 EXAMINATION
9 BY MR. JOHNSON:
10 Q. State your name, Tyler.
11 A. Tyler Knowles.
12 Q. And your address?
13 A. 3013 Hopewell Road, Valley,
14 Alabama.
15 Q. Was your last job with the
16 Lanett Police Department -- with the City of
17 Lanett?
18 A. Yes, sir.
19 Q. Okay. You worked anywhere
20 since then?
21 A. No, sir.
22 Q. Okay. Tyler, tell me, we'll
23 just start on your mother's side, who are

Page 6

1 and Reese, 2100 Third Avenue North, Suite
2 1100, Birmingham, Alabama 35203, appearing
3 on behalf of the Defendant, Interstate Arms.
4 CURT JOHNSON, ESQUIRE, of Johnson,
5 Caldwell & McCoy, 117 North Lanier Avenue,
6 Suite 201, Lanett, Alabama 36863, appearing
7 on behalf of the Defendant, Interstate Arms.
8 RANDOLPH GILLUM, ESQUIRE, of
9 Rogers & Associates, 3000 Riverchase
10 Galleria, Suite 650, Birmingham, Alabama
11 35244, appearing on behalf of the Defendant,
12 Pawn City.
13 * * * * *
14 I, SARA MAHLER, CSR, a Court
15 Reporter of Wetumpka, Alabama, acting as
16 Commissioner, certify that on this date, as
17 provided by the Alabama Rules of Civil
18 Procedure and the foregoing stipulation of
19 counsel, there came before me at the offices
20 of the Wooten Law Firm, 10 Second Avenue
21 S.E., LaFayette, Alabama 36862, beginning at
22 12:15 p.m., Tyler Knowles, witness in the
23 above cause, for oral examination, whereupon

Page 8

1 your relatives in Chambers County that are
2 living now?
3 A. On my mother's side?
4 Q. Yes.
5 A. James Daniel, Sheila Daniel.
6 Q. What's their relationship to
7 you?
8 A. It's my mother's brother.
9 Q. Okay.
10 A. And his wife.
11 Q. Okay.
12 A. Matt Sanders from Lanett, and
13 Beatrice Sanders, Melvin Crew Pitts, Sr.
14 Q. Will you state what their
15 relationship is to you, Tyler?
16 A. He's my uncle.
17 Q. Okay.
18 A. Jack Pitts. He's my uncle.
19 Scotty Sanders.
20 Q. His relationship?
21 A. Cousin. Dotty Eastridge,
22 cousin; Angie Milner, cousin; Bruce Milner,
23 cousin; Billy Daniel, cousin; Harold

2 (Pages 5 to 8)

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| | Page 9 | | Page 11 |
|----|--|----|---|
| 1 | Sellers, uncle; Hal Sellers, cousin; Tim | 1 | they were together shooting at a neighbor's |
| 2 | Knowles, Jr.; Bud Knowles, cousin; Shirley | 2 | house, and that he got shot. |
| 3 | Knowles, an aunt; Melvin Andrew Pitts, | 3 | He didn't go into detail and |
| 4 | cousin. That's all I remember. | 4 | tell me per se, you know, what happened at |
| 5 | Q. On your mama's side. What | 5 | that time. He just told me that he shot his |
| 6 | about on your daddy's side? | 6 | hand off. |
| 7 | A. Just Bud Knowles. I'm sorry. | 7 | Q. Okay. Did you go to the |
| 8 | I gave you his name. | 8 | hospital then, or did you contact Jim? What |
| 9 | Q. Just Bud's the only one? | 9 | did you do? |
| 10 | A. Yes, sir. | 10 | A. I got in touch with Jim and |
| 11 | Q. Tyler, did you ever show Brian | 11 | somebody else had already gotten in touch |
| 12 | anything as to how to use a gun or anything | 12 | with him, and I was on the way out to |
| 13 | like that? | 13 | Hugely. |
| 14 | A. Not as actually showing him | 14 | When I got out there, of |
| 15 | with a gun, no, sir. | 15 | course, he was gone, so I think Jim had |
| 16 | Q. Okay. Did you ever shoot guns | 16 | gotten there. |
| 17 | with him? | 17 | Now, I wasn't there, okay. |
| 18 | A. No, sir. | 18 | But I think Jim had already gotten out |
| 19 | Q. Were you ever around when he | 19 | there, and he and somebody else carried him |
| 20 | shot guns? | 20 | to the hospital. |
| 21 | A. I've been down at Jim's house | 21 | Q. Okay. Did you see the gun |
| 22 | when they was shooting some. | 22 | when you got out there? |
| 23 | Q. Did you teach Jim how to | 23 | A. I did not. |
| | Page 10 | | Page 12 |
| 1 | shoot? | 1 | Q. Okay. Have you ever seen this |
| 2 | A. Jim? | 2 | gun? |
| 3 | Q. Yes. | 3 | A. I'm sure I had because there |
| 4 | A. Yes, sir, some. | 4 | was several guns, you know, that I've seen |
| 5 | Q. Okay. How is it that you came | 5 | at Jim's house. Yes, I've seen it since |
| 6 | to find out about Brian having had this | 6 | that time for sure. |
| 7 | accident? | 7 | Q. That was what my question was. |
| 8 | A. Ralph Stewart, I believe, it | 8 | Have you seen it since then? |
| 9 | was, called looking for Jim and told me what | 9 | A. Yes, sir. |
| 10 | had happened. | 10 | Q. Where did you see it? |
| 11 | Q. What did he tell you? | 11 | A. I saw it -- it was a day or |
| 12 | A. He told me that Brian had had | 12 | two after the shooting, I think. |
| 13 | an accident and had shot his hand. | 13 | Q. Who showed it to you? |
| 14 | Q. Uh-huh. | 14 | A. Curt, I believe it was Jim. |
| 15 | A. Well, as a matter of fact, he | 15 | There was several of us, a bunch of people |
| 16 | told me he shot his hand off. | 16 | down there at his house. |
| 17 | Q. Okay. | 17 | Q. Okay. Was it at Jim's house? |
| 18 | A. And I immediately told him I'd | 18 | A. I believe it was. |
| 19 | be on the way out there. | 19 | Q. Okay. So they'd taken it back |
| 20 | Q. Did he tell you anything about | 20 | to Jim's -- obviously, somebody had taken it |
| 21 | how the accident occurred? | 21 | to Jim's house? The accident did not occur |
| 22 | A. No. He said that, I believe, | 22 | at Jim's house? |
| 23 | it was Ralph's son that was with him. That | 23 | A. No, sir. It happened in |

3 (Pages 9 to 12)

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1 Hugely.

2 Q. Okay. So Jim had it at his
3 house?4 A. I believe that's what -- to be
5 honest with you, I don't remember. I didn't
6 write all of it down because I sure didn't.

7 Q. That's fine. I understand.

8 A. I think it was at Jim's house.

9 Q. Had you talked prior to seeing
10 the gun? Had anybody told you what
11 happened?12 A. Well, they told me that Brian
13 was out there with his little cousin. They
14 was shooting the guns and a gun went off and
15 blowed his hand off.16 Q. They didn't tell you -- who
17 was they?18 A. Jim told me that. The Stewart
19 boy that called me to begin with told me
20 that.21 Q. Did the Stewart boy tell you
22 he saw what happened?

23 A. No, sir.

1 about what happened?

2 A. Yes. I can't remember who
3 all. Because everybody was calling and
4 wanting to know how bad he was.5 Q. I'm just talking about told
6 you what happened, not everybody asking
7 about how he was.8 I'm sure you had a lot of
9 phone calls from concerned family and
10 friends.11 A. Just the same thing. That
12 they were out there shooting and told him
13 that the gun jammed and that it had went
14 off, and like I said, shot his hand off.15 Q. Okay. Did Jim tell you what
16 he understood happened?17 A. The same thing. Said that
18 they told him that -- I believe he said the
19 gun jammed, and that Brian had his hand on
20 top of the gun, and the gun went off. And
21 Stewart told me that it went straight
22 through his hand. That it was gone.

23 Q. Okay. Describe the gun when

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Page 16

1 Q. Okay. Did the Stewart boy
2 tell you anything about what happened?3 A. Just like I told you. He
4 said, all right, his son and Brian were off
5 shooting guns.6 Q. Okay. Hang on a second. You
7 said that his son. Who are we talking about
8 was talking now?

9 A. Stewart.

10 Q. This would have been the
11 father of the Stewart boy?12 A. The boy that was with him,
13 yes, sir.

14 Q. What did he tell you?

15 A. Like I told a while ago. Just
16 that they were out in the woods shooting,
17 and that the gun went off and shot Brian's
18 hand off.19 At that time he thought it was
20 off, I'm sure, but that's what he told me
21 that he thought he shot his hand off.22 Q. Did you talk to anybody after
23 you talked to him and before you saw the gun

1 you saw it. What'd it look like?

2 A. Curt, I actually don't
3 remember exactly what it looked like.4 Q. Was it in one piece? Was it
5 in multiple pieces?6 A. It wasn't in multiple pieces.
7 It had -- I'm trying to think if the barrel
8 was separated or not. I know they was
9 showing me that it had jammed or something.10 Q. But you don't remember whether
11 it was still in one piece?

12 A. I really don't.

13 Q. You don't remember anybody
14 trying to recreate how it might have
15 occurred?

16 A. No, sir.

17 Q. Okay. Do you know if the gun
18 was taken to anybody who might have some
19 knowledge of guns to look at, or do you know
20 of anybody else who looked at it?21 A. Not at that -- I don't know,
22 but I don't think it was. I wasn't told if
23 it was.

4 (Pages 13 to 16)

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1 Q. I'm just asking you what you
2 knew, Tyler?
3 A. I don't know. I know that
4 when Jim and them talked to me after -- you
5 know, the first few days everything was
6 looked after Brian, period.

7 Q. Yes.

8 A. And he asked me about it, and
9 he told me that the gun jammed, and I told
10 him, you know, you need to get you a lawyer,
11 and get a lawyer to look at it and see.

12 Q. Okay. Was anything other than
13 that discussed?

14 A. No, sir.

15 Q. Did you ever see the gun again
16 after that day?

17 A. No, sir.

18 Q. Okay. What other discussions
19 have you had with Jim or anybody about the
20 gun or -- have you had any other discussions
21 about how this accident occurred?

22 A. We had other discussions. He
23 told me about Brian, you know, how Brian

Page 19

1 A. I don't know. I suppose.
2 Q. You said standing up. I
3 figured it had to be standing on something.

4 A. Yes.

5 Q. Okay. Then it just went off?

6 A. Yes, sir. That's what he

7 said. He said that the next thing he knew
8 his cousin grabbed his hand, and there was
9 blood everywhere. And they were trying to
10 get in touch with the Stewart boy's daddy to
11 get him to the hospital.

12 Q. This is what Brian told you?

13 A. Yes, sir.

14 Q. Did Jim tell you anything?

15 A. Same thing Brian had told me.

16 Q. Okay. Did Brian -- did the
17 Stewart boy tell you anything?

18 A. No. His daddy did.

19 Q. Okay.

20 A. That was his daddy.

21 Q. The daddy told you about him
22 blowing his hand off?

23 A. Yes, sir.

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Page 20

1 said it had jammed, and they were trying to
2 figure out how it went off. But as far as
3 sitting down and discussing the gun, per se,
4 no. That's the reason I told him that.

5 Q. What did they tell you about
6 how the gun went off? Did Brian ever tell
7 you how the gun went off?

8 A. He said the gun jammed. He
9 had it -- it was standing up, and he had his
10 hand on top of it. And he said the next
11 thing he knew -- I don't know this. I guess
12 he was in shock, but he said his cousin had
13 grabbed him, and the gun had gone off and
14 went through his hand.

15 Q. I didn't catch the first part
16 of what you said, Tyler.

17 A. I said the gun had jammed on
18 him.

19 Q. Uh-huh.

20 A. And he was standing there with
21 his hand on top of the gun.

22 Q. Uh-huh. Like standing up on
23 the ground? Standing up on the ground?

1 Q. Did he tell you anything else?

2 A. No. He told me to find Jim,
3 and I started trying to find Jim.

4 Q. Did anybody else have a
5 discussion with you other than Brian's
6 attorneys about what happened out there?

7 A. No, sir. Not other than like
8 I told you a while ago. Everybody in the
9 world just wanted to know what happened.

10 MR. JOHNSON: That's all I

11 got.

12 (The deposition was concluded at 12:30 p.m.,
13 June 8, 2006.)

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5 (Pages 17 to 20)

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1 REPORTER'S CERTIFICATE
2 STATE OF ALABAMA,
3 ELMORE COUNTY,
4 I, Sara Mahler, Certified Shorthand
5 Reporter and Commissioner for the State of
6 Alabama at Large, do hereby certify that the
7 above and foregoing proceeding was taken
8 down by me by stenographic means, and that
9 the content herein was produced in
10 transcript form by computer aid under my
11 supervision, and that the foregoing
12 represents, to the best of my ability, a
13 true and correct transcript of the
14 proceedings occurring on said date and at
15 said time.

16 I further certify that I am neither
17 of kin nor of counsel to the parties to the
18 action; nor in any manner interested in the
19 result of said case.

20
21

22 Sara Mahler, CSR,
23 for the State of
Alabama at Large.

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| | | | |
|--|---|--|--|
| <p>A</p> <p>ability 21:12 accident 10:7,13,21 12:21 17:21 acting 6:15 action 21:18 Adams 5:23 address 7:12 advised 3:2 ago 14:15 20:8 AGREED 1:12 2:2,9 2:18 aid 21:10 al 1:5,8 5:5,8 Alabama 1:2,17 2:19 5:2,17,21 6:2,6,10,15 6:17,21 7:14 21:2,6 21:23 Amended 2:20 Andrew 9:3 Angie 8:22 anybody 13:10 14:22 16:13,18,20 17:19 20:4 APPEARANCES 5:13 appearing 5:17,21 6:2 6:6,11 Arms 1:8 5:8 6:3,7 asked 17:8 asking 15:6 17:1 assign 2:13 Associates 6:9 attorneys 20:6 aunt 9:3 Avenue 1:17 5:20 6:1,5 6:20</p> <hr/> <p>B</p> <p>back 12:19 bad 15:4 barrel 16:7 Beatrice 8:13 beginning 6:21 behalf 5:18,22 6:3,7,11 believe 10:8,22 12:14 12:18 13:4 15:18 best 21:12 Billy 8:23 Birmingham 5:17 6:2 6:10 blood 19:9 blowed 13:15 blowing 19:22 Bonner 1:5 5:5</p> | <p>boy 13:19,21 14:1,11 14:12 19:17 boy's 19:10 Brian 1:5 5:5 9:11 10:6 10:12 13:12 14:4 15:19 17:6,23,23 18:6 19:12,15,16 Brian's 14:17 20:5 brother 8:8 Bruce 8:22 Bud 9:2,7 Bud's 9:9 bunch 12:15</p> <hr/> <p>C</p> <p>Caldwell 6:5 called 10:9 13:19 calling 15:3 calls 15:9 carried 11:19 case 1:4 5:4 21:19 catch 18:15 cause 6:23 CERTIFICATE 21:1 Certified 21:4 certify 6:16 21:6,16 Chambers 1:2 5:2 8:1 CIRCUIT 1:1 5:1 City 6:12 7:16 Civil 2:19 6:17 Commissioner 5:12 6:16 21:5 compliance 2:5 computer 21:10 concerned 15:9 concluded 20:12 contact 11:8 content 21:9 Corporation 1:8 5:8 correct 21:13 counsel 1:14 2:10,12 6:19 21:17 County 1:2 5:2 8:1 21:3 course 11:15 Court 1:1 2:6 3:3,4 5:1 6:14 7:5 cousin 8:21,22,22,23 8:23 9:1,2,4 13:13 18:12 19:8 Crew 8:13 CSR 1:16 6:14 21:22 Curt 6:4 12:14 16:2 CV-05-02 1:4 5:4</p> <hr/> <p>D</p> <p>D 4:2 daddy 19:10,18,20,21 daddy's 9:6 Daniel 8:5,5,23 date 6:16 21:14 DAVID 5:14 day 1:18 2:23 12:11 17:16 days 17:5 Defendant 6:3,7,11 Defendants 1:9 5:9 delivering 2:21 Department 7:16 deposition 1:14,20 2:3 2:4,15 20:12 depositions 2:7 Describe 15:23 detail 11:3 discussed 17:13 discussing 18:3 discussion 20:5 discussions 17:18,20,22 Dotty 8:21 duly 7:3 Dutton 5:15</p> | <p>Firm 1:16 5:20 6:20 first 7:3 17:5 18:15 following 7:1 follows 7:4 force 2:4 foregoing 6:18 21:7,11 form 2:11 21:10 friends 15:10 full 2:5 further 2:1,8,17 21:16</p> <hr/> <p>G</p> <p>Galleria 6:10 GILLUM 6:8 go 11:3,7 gotten 11:11,16,18 grabbed 18:13 19:8 ground 18:23,23 grounds 2:13 guess 18:11 gun 9:12,15 11:21 12:2 13:10,14 14:17,23 15:13,19,20,20,23 16:17 17:9,15,20 18:3,6,7,8,13,17,21 guns 9:16,20 12:4 13:14 14:5 16:19</p> <hr/> <p>H</p> <p>Hal 9:1 hand 10:13,16 11:6 13:15 14:18,21 15:14 15:19,22 18:10,14,21 19:8,22 Hang 14:6 happened 10:10 11:4 12:23 13:11,22 14:2 15:1,6,16 20:6,9 Harold 8:23 Hellums 5:15 Higey 2:22 5:23 HODGE 5:14 honest 13:5 Hooks 5:15 Hopewell 7:13 hospital 11:8,20 19:11 house 9:21 11:2 12:5 12:16,17,21,22 13:3 13:8 Hugely 11:13 13:1</p> <hr/> <p>I</p> <p>immediately 10:18 interested 21:18</p> | <p>Interstate 1:8 5:8 6:3,7</p> <hr/> <p>J</p> <p>Jack 8:18 James 8:5 jammed 15:13,19 16:9 17:9 18:1,8,17 Jim 9:23 10:2,9 11:8,10 11:15,18 12:14 13:2 13:18 15:15 17:4,19 19:14 20:2,3 Jim's 9:21 12:5,17,20 12:21,22 13:8 job 7:15 Johnson 4:5 6:4,4 7:7,9 20:10 Jr 9:2 June 1:18 2:23 20:13</p> <hr/> <p>K</p> <p>kin 21:17 Kirby 5:15 knew 17:2 18:11 19:7 know 11:4 12:4 15:4 16:8,17,19,21 17:3,3 17:5,10,23 18:11 19:1 20:9 knowledge 16:19 Knowles 1:15,20 6:22 7:2,11 9:2,2,3,7</p> <hr/> <p>L</p> <p>L 1:11 LaFayette 1:17 5:21 6:21 Lanett 6:6 7:16,17 8:12 Lanier 6:5 Large 21:6,23 Law 1:16 5:20 6:20 laws 2:6 lawyer 17:10,11 leading 2:11 little 13:13 living 8:2 look 16:1,19 17:11 looked 16:3,20 17:6 looking 10:9 lot 15:8</p> <hr/> <p>M</p> <p>M 2:21 5:23 Mahler 1:15 2:21 5:12 6:14 21:4,22 mama's 9:5</p> |
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EXHIBIT E

FREEDOM COURT REPORTING

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| Page 1 | Page 3 |
| <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 BRIAN BONNER,) 6 Plaintiff,) 7 vs.) CASE NUMBER: 8 PAWN CITY, INC.,) 3:06-CV-00715-MHT 9 et al.,) 10 Defendants.) 11 12 DEPOSITION OF CHRISTOPHER DENNIS 13 In accordance with Rule 5(d) of 14 The Alabama Rules of Civil Procedure, as 15 Amended, effective May 15, 1988, I, Cindy 16 Weldon, am hereby delivering to Alan D. 17 Mathis, the original transcript of the oral 18 testimony taken on the 19th day of 19 September, 2007, along with exhibits. 20 Please be advised that this is the 21 same and not retained by the Court Reporter, 22 nor filed with the Court. 23</p> | <p>1 AGREED that the signature to and the reading 2 of the deposition by the witness is waived, 3 the deposition to have the same force and 4 effect as if full compliance had been had 5 with all laws and rules of Court relating to 6 the taking of depositions. 7 IT IS FURTHER STIPULATED AND 8 AGREED that it shall not be necessary for 9 any objections to be made by counsel to any 10 questions, except as to form or leading 11 questions, and that counsel for the parties 12 may make objections and assign grounds at 13 the time of trial, or at the time said 14 deposition is offered in evidence, or prior 15 thereto. 16 IT IS FURTHER STIPULATED AND 17 AGREED that notice of filing of the 18 deposition by the Commissioner is waived. 19 20 21 22 23</p> |
| Page 2 | Page 4 |
| <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 BRIAN BONNER,) 6 Plaintiff,) 7 vs.) CASE NUMBER: 8) 3:06-CV-00715-MHT 9 PAWN CITY, INC.,) 10 et al.,) 11 Defendants.) 12 13 S T I P U L A T I O N 14 IT IS STIPULATED AND AGREED, by 15 and between the parties through their 16 respective counsel, that the deposition of 17 CHRISTOPHER DENNIS, may be taken before 18 Cindy Weldon, Certified Shorthand Reporter, 19 Commissioner and Notary Public, at the 20 offices of the Wooten Law Firm, 10 2nd 21 Avenue SE, Lafayette, Alabama, on September 22 the 19th, 2007 at 1:00 p.m. 23 IT IS FURTHER STIPULATED AND</p> | <p>1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF: 4 MR. DAVID HODGE 5 PITTMAN, DUTTON, KIRBY & HELLUMS 6 1100 PARK PLACE TOWER 7 BIRMINGHAM, ALABAMA 35203 8 9 MR. NICK WOOTEN 10 THE WOOTEN LAW FIRM 11 10 2ND AVENUE SE 12 LAFAYETTE, ALABAMA 36862 13 14 FOR THE DEFENDANT: 15 MR. ALAN D. MATHIS 16 JOHNSTON, BARTON PROCTOR & ROSE 17 COLONIAL BROOKWOOD CENTER 18 569 BROOKWOOD VILLAGE, SUITE 901 19 BIRMINGHAM, ALABAMA 35209 20 21 22 23</p> |

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| <p style="text-align: right;">Page 5</p> <p>1 MR. TODD M. HIGEY 2 ADAMS & REESE 3 2100 3RD AVENUE NORTH, SUITE 1100 4 BIRMINGHAM, ALABAMA 35203 5 6 ALSO PRESENT: 7 MR. ROB RODGERS 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p> | <p style="text-align: right;">Page 7</p> <p>1 CHRIS DENNIS, 2 after first being duly sworn, testified 3 as follows: 4 EXAMINATION BY MR. MATHIS: 5 THE COURT REPORTER: Usual 6 stipulations? 7 MR. MATHIS: Yes. 8 MR. HODGE: That's fine. 9 Q. Would you please state your full 10 name. 11 A. Christopher Brian Dennis. 12 Q. And your birthdate, please. 13 A. March 22nd, 1972. 14 Q. Your address, please. 15 A. 1393 Fairfax Bypass, Valley, 16 Alabama 36854. 17 Q. Have you ever been deposed before? 18 A. What? 19 Q. Deposed? Been to a deposition 20 like this before? 21 A. No. 22 Q. I'm going to give you just a few 23 of the basic ground rules that we tell</p> |
| <p style="text-align: right;">Page 6</p> <p>1 I N D E X</p> <p>3 EXAMINATION BY: PAGE</p> <p>4 MR. MATHIS 7, 65</p> <p>5 MR. HIGEY 27</p> <p>6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p> | <p style="text-align: right;">Page 8</p> <p>1 everybody. Try to always answer out loud. 2 Avoid just nodding or shaking your head so 3 that she can get a clear record of what we 4 say. 5 Also, if it's a yes or no 6 question, please say yes or no instead of 7 huh-uh or uh-huh so that again she can get a 8 clear record. If you need to take a break 9 at any time, just let us know. 10 I would just ask that if I have 11 asked a question, that you answer it before 12 we take a break. And if you don't know -- 13 if you don't understand a question I ask, if 14 you'd just tell me, I'll try to state it in 15 a better way. Is that fair? 16 A. Yes, sir. 17 Q. What's the highest level of 18 schooling you have completed? 19 A. Eleventh grade. 20 Q. And where do you work now? 21 A. Knauf Installation. 22 Q. Could you spell that? 23 A. K-N-A-U-F.</p> |

2 (Pages 5 to 8)

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| <p style="text-align: right;">Page 9</p> <p>1 Q. What's your relationship with 2 Brian Bonner? 3 A. I'm his uncle. 4 Q. Your wife is his mother's sister; 5 is that right? 6 A. Right. 7 Q. How long have you been married to 8 his aunt? 9 A. This time, three years, a little 10 over three years. 11 Q. Were you married to her -- 12 A. Before. 13 Q. -- before? 14 A. Uh-huh. 15 Q. How long that time? 16 A. Six months. 17 Q. Do you remember the dates when 18 that was? Sorry to put you on the spot. 19 A. I'm thinking November the 14th of 20 2000 to somewhere in April of 2001. And 21 this time, we got married June 21st of 2004. 22 Q. So you were not married to her at 23 the time of Brian's injury?</p> | <p style="text-align: right;">Page 11</p> <p>1 and Brian going out shooting guns? 2 A. Yes, sir. 3 Q. You had shot guns with him before? 4 A. Yes, sir. 5 Q. What did you shoot? What kind of 6 guns? 7 A. .270, .38, .357, 12 gauge, 20 8 gauge. That might be about it. 9 Q. How often did you shoot guns with 10 him? 11 A. Two or three times a year. 12 Q. Was this before or after his 13 injury? 14 A. Before. 15 Q. Have you shot guns with him since 16 then? 17 A. No, sir. I think he's been with 18 me when I shot mine at my house, but him not 19 shooting. He didn't shoot. 20 Q. When you've shot guns with him, 21 how does he handle his gun? Is he real 22 gentle with them or just use it like a 23 regular tool? How would you describe the</p> |
| <p style="text-align: right;">Page 10</p> <p>1 A. No, sir. 2 Q. What was your relationship with 3 her at the time of Brian's injury, if there 4 was any? 5 A. Seeing each other on the side 6 maybe if you want to call it that. 7 Q. Were you close with Brian before 8 you got married? 9 A. Yes. 10 Q. Did you know Brian before you got 11 married? 12 A. Yes. 13 Q. How often would you see him? 14 A. Not everyday. But several times a 15 month maybe. 16 Q. What kind of things would you do 17 when you were together? Was it just family 18 visiting? 19 A. I knew his mama before I met my 20 wife. So we -- We also worked together. 21 And if I seen her out somewhere, he was 22 usually with her or whatever. 23 Q. Did you ever do anything just you</p> | <p style="text-align: right;">Page 12</p> <p>1 way he handles his guns? 2 A. Around me, he was always pretty 3 safe because I always made sure that they 4 weren't pointed in any wrong directions or 5 anything. I always tried to promote gun 6 safety. 7 Q. You said you own guns? 8 A. Yes, sir. 9 Q. What different kinds of guns do 10 you own? The same ones you just listed? 11 A. I own the .270, the .38, the 12 .357. I don't own a 12 gauge or a 20 13 gauge. I own a SKS and a .22 magnum. 14 Q. Why do you not own a 12 gauge or a 15 20 gauge? 16 A. I never got the money to get one. 17 My wife kind of don't like it. 18 Q. Do you hunt or shoot clays or 19 target shoot? 20 A. I have shot clays. I ain't never 21 really hunted. I just like to shoot just to 22 shoot. 23 Q. Just target shooting?</p> |

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| <p style="text-align: right;">Page 13</p> <p>1 A. Yes.</p> <p>2 Q. About how often do you go shoot?</p> <p>3 A. Right now, only about two or three</p> <p>4 times a year in my back yard.</p> <p>5 Q. Do you have a lot of room in your</p> <p>6 back yard? How much land do you own?</p> <p>7 A. Five point two acres.</p> <p>8 Q. Have you ever been taught basic</p> <p>9 gun safety rules?</p> <p>10 A. Yes. One time when I was in boy</p> <p>11 scouts.</p> <p>12 Q. What did they teach you?</p> <p>13 A. Basically not to point it at</p> <p>14 anybody. Don't carry a loaded gun. Don't</p> <p>15 point at nothing you don't want to shoot.</p> <p>16 Q. Do you remember the date of</p> <p>17 Brian's injury or rather the day of Brian's</p> <p>18 injury? Do you remember what you were</p> <p>19 doing?</p> <p>20 A. I know what I was doing. But I</p> <p>21 can't remember exactly what date it was.</p> <p>22 Q. Does November 15th, 2003 sound</p> <p>23 correct?</p> | <p style="text-align: right;">Page 15</p> <p>1 Q. Did she call from her house or --</p> <p>2 A. I think she called me from a cell</p> <p>3 phone because she was on her way. I believe</p> <p>4 she was on the cell phone.</p> <p>5 Q. On her way to the hospital?</p> <p>6 A. I think that's what she was doing.</p> <p>7 Q. What did she tell you about what</p> <p>8 happened?</p> <p>9 A. She was kind of hysterical. She</p> <p>10 told me Brian shot himself.</p> <p>11 Q. Did she say anything about how it</p> <p>12 happened or just --</p> <p>13 A. She just told me to go to the</p> <p>14 hospital.</p> <p>15 Q. Did you go to the hospital?</p> <p>16 A. Yes.</p> <p>17 Q. This is Lanier Memorial Hospital?</p> <p>18 A. Yes, sir.</p> <p>19 Q. When you got to the hospital, did</p> <p>20 you find out anything else about the</p> <p>21 accident?</p> <p>22 A. Bobbie told me that she didn't see</p> <p>23 it. She just said she was over there with</p> |
| <p style="text-align: right;">Page 14</p> <p>1 A. I guess. I really don't know what</p> <p>2 day it was.</p> <p>3 Q. Well, tell us --</p> <p>4 A. All I can tell you is that it was</p> <p>5 football season.</p> <p>6 Q. And were you watching a game that</p> <p>7 day?</p> <p>8 A. I was kind of watching the game.</p> <p>9 But I actually went to Wal-Mart and bought a</p> <p>10 gun safe that day. And he was supposed to</p> <p>11 be helping me move it in, but he didn't show</p> <p>12 up.</p> <p>13 Q. What time of day was that; do you</p> <p>14 remember?</p> <p>15 A. I'm thinking somewhere around 3:00</p> <p>16 or 4:00 in the afternoon.</p> <p>17 Q. Where were you when Brian was</p> <p>18 injured? When did you find out?</p> <p>19 A. I was at my house when I lived in</p> <p>20 Fairfax.</p> <p>21 Q. How did you first hear about his</p> <p>22 injury?</p> <p>23 A. Bobbie called me, my wife.</p> | <p style="text-align: right;">Page 16</p> <p>1 them and she walked away, worked on cleaning</p> <p>2 up the yard. Then she heard them start</p> <p>3 hollering and she ran over there and he had</p> <p>4 done shot himself.</p> <p>5 And she took her shirt off and</p> <p>6 wrapped it around his hand. She started</p> <p>7 hollering for Jim Knowles and Ralph Stewart</p> <p>8 to come out there.</p> <p>9 Q. Were Jim and Ralph at the</p> <p>10 hospital, also?</p> <p>11 A. Right.</p> <p>12 Q. Did you talk to them about what</p> <p>13 had happened?</p> <p>14 A. I talked to Jim. I don't get</p> <p>15 along too good with Ralph.</p> <p>16 Q. What did you talk about with Jim?</p> <p>17 A. Basically how stupid it was.</p> <p>18 Q. Do you remember what you said more</p> <p>19 specifically?</p> <p>20 A. I really don't know. It's been a</p> <p>21 long time ago.</p> <p>22 Q. Did you and Jim talk about going</p> <p>23 to retrieve the shotgun?</p> |

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| <p>1 A. No. I asked about where they 2 were. And they told me they were still 3 laying on the ground because they threw them 4 down. And I told them I'd go pick them up 5 because I didn't want nobody else to pick 6 them up.</p> <p>7 Q. When you said they threw them 8 down, who are you talking about?</p> <p>9 A. Brian and BJ.</p> <p>10 Q. Did they throw them down when the 11 accident happened?</p> <p>12 A. Right. I had to walk out into the 13 -- on the trail to pick it up.</p> <p>14 Q. You say out on a trail. Was it in 15 the woods?</p> <p>16 A. Not really in the woods. It was 17 like a little empty lot with not really many 18 trees on it, just shrubbery. And they had a 19 little trail going in between there.</p> <p>20 Q. What time of day did you go back 21 and get the gun?</p> <p>22 A. 5:30, 6:00, somewhere in there.</p> <p>23 Q. Was it still light outside?</p> | <p>1 A. I know one of them was a .270. 2 Then there was a -- that particular gun. 3 And then I can't remember what the other one 4 was.</p> <p>5 Q. The one in the accident was a 12 6 gauge?</p> <p>7 A. Yes, sir. I believe it was a 12 8 gauge.</p> <p>9 Q. You say you took them back in your 10 house?</p> <p>11 A. Right.</p> <p>12 Q. And put them in the gun safe?</p> <p>13 A. Uh-huh.</p> <p>14 MR. HIGEY: That would be yes?</p> <p>15 THE WITNESS: Yes.</p> <p>16 MR. HIGEY: So she can take it 17 down. I appreciate it.</p> <p>18 Q. Anything strange happen with the 19 guns between --</p> <p>20 A. Yes, sir.</p> <p>21 Q. Tell us about that.</p> <p>22 A. When I took them out from behind 23 the seat, walked up my steps, before I could</p> |
| Page 18 | Page 20 |
| <p>1 A. Yes, sir, it was still daylight.</p> <p>2 Q. What did the gun look like when 3 you got it? Was it all in one piece?</p> <p>4 A. Yes, sir.</p> <p>5 Q. It was just laying on the ground?</p> <p>6 A. Yes, sir.</p> <p>7 Q. So when you first saw it, you 8 didn't notice anything strange about the way 9 it looked?</p> <p>10 A. Other than one shell hanging 11 halfway out the chamber, that was it.</p> <p>12 Q. You said the shell was hanging 13 halfway out the chamber?</p> <p>14 A. Right.</p> <p>15 Q. What did you do with the gun when 16 you picked it up?</p> <p>17 A. I put it behind the seat of my 18 pickup.</p> <p>19 Q. And then what?</p> <p>20 A. There was actually three guns out 21 there. I picked them all up and took them 22 to my house and put them in the safe.</p> <p>23 Q. What were the three guns?</p> | <p>1 get in the front door, the whole barrel fell 2 off the gun.</p> <p>3 Q. So this is while you were walking 4 up the front steps you say?</p> <p>5 A. After I got up the steps on the 6 porch and unlocked the door, when I was 7 walking through the door, the barrel fell 8 off. So I just picked it up and kind of 9 mangled it back together and stuck it in the 10 safe.</p> <p>11 Q. When you first picked up the 12 12 gauge, did you notice that the barrel was 13 loose or anything?</p> <p>14 A. I didn't really pay too much 15 attention to it.</p> <p>16 Q. When you put it in your truck, did 17 you lay it down or did you just kind of 18 throw the guns in the back?</p> <p>19 A. No. I had to lay them down 20 because I had a lot of junk in the back of 21 -- behind my seat.</p> <p>22 Q. Did anything else fall off the 23 gun?</p> |

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| 1 A. Not that I know of. 2 Q. Did you drop the gun -- 3 A. No, sir. 4 Q. -- walking up the stairs? When 5 you picked it back up, did you put it back 6 together? 7 A. I just kind of pushed the barrel 8 back on it and stuck it in the safe. 9 Q. Did you inspect the gun or 10 disassemble it after that? 11 A. No, sir. 12 Q. How long did you have possession 13 of the gun? 14 A. Maybe a month and a half, if that 15 long. 16 Q. And then who had it? 17 A. I gave it to Jim Knowles. 18 Q. Do you know where he kept it? 19 A. No, sir. 20 Q. Did anyone, including you, use it 21 or fire it or try to inspect it? 22 A. I never seen -- I never shot the 23 gun before that day and I never tried to. I | 1 A. There was a lot of folks there. I 2 think the other -- Aunt Lisa was there, Cody 3 was there, Brian's brother. 4 There was a few other people 5 there, but nobody that really stood out as 6 far as having a conversation with. 7 Q. And you didn't find out what 8 happened other than that Brian had shot his 9 hand? 10 A. That's it. They said -- They told 11 me that it had jammed or something. But I'm 12 not -- I wasn't there to verify whether or 13 not it did or not. 14 Q. Did anybody tell you what happened 15 after it jammed? 16 A. All I know was that Brian was 17 trying to unjam it. 18 Q. Did they tell you what he was 19 trying to do to unjam it? 20 A. No, sir. 21 Q. Do you still see Brian regularly 22 since his injury? 23 A. All the time. |
| Page 22 | Page 24 |
| 1 never even tried to look and see how to put 2 it back together. I just stuck it in the 3 safe and gave it to him like it was. 4 Q. Had you ever seen Brian or anyone 5 else use the gun before -- 6 A. No, sir. 7 Q. -- that day? Did you ever talk to 8 Jim or anyone else about what may have 9 happened? 10 A. No. Because I'm not a gun smith. 11 So I really don't know that much about 12 putting them together or taking them apart 13 or inner functions of the guns. 14 Q. Have you seen the gun since you 15 gave it to Jim? 16 A. No, sir. 17 Q. When you were at the hospital, did 18 you talk to Brian? 19 A. No, sir. 20 Q. Did you see him at all? 21 A. No, sir. 22 Q. So the only people you talked to 23 at the hospital were Bobbie and Jim? | 1 Q. All the time. About how often? 2 A. How many days a month or how many 3 days he stays every time he comes over? 4 Q. Does he stay at your house a lot? 5 A. Sometimes he'll come over and stay 6 a day or two and he'll go back to his 7 apartment. 8 Q. Have you discussed the accident 9 with him? 10 A. Not very often. 11 Q. When you have discussed it, what 12 have you talked about? 13 A. Basically I tell -- It's bad. But 14 I'm going to tell you anyway. I just told 15 him how stupid he was for actually shooting 16 himself. 17 Q. What does he say about that? 18 A. He laughs and shoots me a bird 19 with his one finger that sticks up. 20 Q. Has he ever given you any details 21 about what happened, what he was trying to 22 do to unjam the gun or anything? 23 A. No, sir. |

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| Page 25 | Page 27 |
| <p>1 Q. Have you talked to anyone else 2 about the accident since it happened? 3 A. No, sir. Not until I got this 4 paper here. Me and my wife say a few words 5 about it.</p> <p>6 Q. What did y'all talk about? 7 A. Other than what we had to do with 8 picking up kids and having to go to work and 9 stuff like that.</p> <p>10 Q. Just making arrangements? 11 A. Right. And actually Brian didn't 12 even know we had gotten them papers until he 13 came over last weekend.</p> <p>14 Q. Did y'all talk about what was 15 going to be said here? 16 A. No sir.</p> <p>17 Q. Have you given a statement to 18 anyone about this case or about the 19 accident, whether it's to the police, to 20 lawyers, anybody? 21 A. One time I think over at Jim's 22 house. I can't remember if you were there. 23 I think it was -- and one other guy. I</p> | <p>1 A. That's it. 2 MR. MATHIS: I may be just about 3 done if you want to go ahead. 4 EXAMINATION BY MR. HIGEY: 5 Q. Mr. Dennis, what's the address for 6 Knauf Installation? 7 A. I really don't know. I know it's 8 in Hugley Industrial Park. But as far as a 9 physical address, I just look it up in the 10 phone book whenever I need it.</p> <p>11 Q. What shift do you work over there? 12 A. Second shift, which is from -- my 13 shift is from 7:30 at night to eight o'clock 14 in the morning. That's not every day. It's 15 like work three days, off three days, work 16 four days, off four days.</p> <p>17 Q. What's your position at that 18 company? 19 A. Foreman technician.</p> <p>20 Q. Foreman technician? 21 A. Yes, sir.</p> <p>22 Q. Does Ms. Alena Knowles still work 23 there?</p> |
| Page 26 | Page 28 |
| <p>1 don't know who that -- a lawyer or -- I 2 don't know.</p> <p>3 Q. Was it an oral statement or a 4 written statement? 5 A. Talk. Oral.</p> <p>6 Q. Like this? 7 A. I think that's what it was.</p> <p>8 Q. Do you remember what you said? 9 A. Basically the same thing.</p> <p>10 Q. Anything different that you can 11 remember? 12 A. No, sir.</p> <p>13 Q. Have you talked to anyone about 14 this lawsuit? Did you ever talk to Jim or 15 Brian's mom or Bobbie -- 16 A. No, sir.</p> <p>17 Q. -- or anyone about this lawsuit? 18 What did you do to prepare for this 19 deposition other than make arrangements for 20 the kids? 21 A. That's it.</p> <p>22 Q. Didn't talk to anyone about it 23 other than Bobbie?</p> | <p>1 A. As a mechanic.</p> <p>2 Q. Now, what was your Fairfax address 3 back in November of 2003? 4 A. 503 Wellington Street.</p> <p>5 Q. What's the zip code on that? 6 A. 36854. Everybody calls it 7 Fairfax, but it was all a bunch of small 8 towns that converted in the valley.</p> <p>9 Q. And at the time of this accident, 10 November 2003, what was Bobbie's address 11 where this happened? 12 A. She lived -- I don't know the 13 actual street address. But it was right 14 across from Knauf Installation in the 15 industrial park.</p> <p>16 Q. That's not where you live now? 17 A. No, sir.</p> <p>18 Q. At the time, she was married to 19 Ralph Stewart? 20 A. No, she was not married.</p> <p>21 Q. She was not married at the time? 22 A. She was living there, but she 23 wasn't married.</p> |

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| <p style="text-align: right;">Page 29</p> <p>1 Q. Whose house was it? 2 A. Ralph Stewart's house. 3 Q. Okay. When did she move out of 4 that address? 5 A. March of 2004. 6 Q. Is that when she married you? 7 A. No, sir. We married in June. 8 Q. Now, Ralph doesn't live here 9 anymore, does he? 10 A. North Carolina. 11 Q. Is BJ kin to Ralph? 12 A. BJ's sister is married to Ralph's 13 son. 14 Q. BJ -- You didn't ever ask, but BJ 15 was with me when I picked the guns up. 16 Q. I was getting there. So Ralph's 17 son's sister's -- 18 A. Wife. Ralph's son is Jason. 19 Q. Jason Stewart, who's married to 20 Felicia? 21 A. Felicia. Which is BJ's sister. 22 Q. So Felicia is Alena's daughter? 23 A. No.</p> | <p style="text-align: right;">Page 31</p> <p>1 Q. Did you talk to BJ at the 2 hospital? 3 A. Not a whole lot. But I did talk 4 to him. 5 Q. Did you and BJ go from the 6 hospital to Bobbie's place? 7 A. I told BJ to ride with me so he 8 could point out where they were. 9 Q. All right. So BJ rode with you? 10 A. Right. 11 Q. Did anyone else ride with you? 12 A. That's it. 13 Q. All right. You rode in the pickup 14 truck? 15 A. Yes, sir. 16 Q. What kind of pickup truck are we 17 talking about? 18 A. Old. I think it was a '79 GMC. 19 Had rust spots on the sides. 20 Q. So it's a two-door pickup truck? 21 A. Yes, sir. 22 Q. With a little bit of room behind 23 the seats?</p> |
| <p style="text-align: right;">Page 30</p> <p>1 Q. I'm sorry. 2 A. Felicia used to be Sadler. She 3 was -- Her mom was -- She was a Sadler or 4 whatever her last name is now. 5 Q. I'm catching on here. Where do 6 Jason and Felicia live now? 7 A. Felicia moved back about two or 8 three weeks ago from North Carolina. Jason 9 is still living in North Carolina. 10 Q. Are they separated? 11 A. I really don't know. That's in 12 the dark right now. 13 Q. So Felicia is back here? 14 A. Correct. 15 Q. And Jason and Ralph and BJ are in 16 North Carolina? 17 A. In North Carolina. 18 Q. All right. Now, the day of the 19 accident, you learned about it at your 20 house? 21 A. Correct. 22 Q. You went to the hospital? 23 A. Correct.</p> | <p style="text-align: right;">Page 32</p> <p>1 A. Yes, sir. Folded the seat up. 2 Q. All right. How long did it take 3 to get from the hospital to Bobbie's place? 4 A. Maybe ten minutes. 5 Q. Was it dark by then? 6 A. No. 7 Q. So it was still daylight? 8 A. Correct. 9 Q. All right. And in that ride over 10 to Bobbie's place, did you and BJ talk about 11 what had happened? 12 A. BJ was kind of shook up. So he 13 didn't really say a whole lot about it. He 14 just said he didn't know -- if I remember 15 correctly, he really didn't have a whole lot 16 to say about it. He was just trying to, I 17 guess, put it together in his mind because 18 they was still kind of young then. 19 Q. BJ was about how old at that time? 20 A. I'm thinking he was like eleven or 21 twelve, somewhere in there. 22 Q. And how old was Brian? 23 A. I think he was -- he's nineteen</p> |

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| <p style="text-align: right;">Page 33</p> <p>1 now. So that would put him sixteen maybe. 2 Q. This is 2003. 3 A. Four years ago. Somewhere in that 4 age. 5 Q. All right. So you didn't ask BJ 6 on the ride over, BJ, what happened? 7 A. I asked him. But he really 8 couldn't give me no straight forward 9 answer. He was just kind of babbling on. 10 Q. All right. Tell me what he was 11 able to tell you. 12 A. He said something about it being 13 jammed and Brian was trying to unjam it. 14 But I couldn't really make out what he was 15 saying because he was just -- his whole body 16 was shaking. He did dump out all the extra 17 shells he had in his pocket. 18 Q. While he was with you in the 19 pickup? 20 A. Yes. He said he had them in his 21 pocket when they were shooting. I told him 22 to just lay them in the seat so that way he 23 wouldn't be worried about them.</p> | <p style="text-align: right;">Page 35</p> <p>1 by the asphalt, tell me what kind of fire 2 arms they were. 3 A. One was a .270. And the other 4 one, I can't remember what it was. It was a 5 rifle. 6 Q. What did you do after you got out 7 of the truck? 8 A. Picked them up and put them in the 9 truck. 10 Q. Did you pick -- Which gun did you 11 pick up first? 12 A. The two laying beside the road. 13 Q. What did you do with them when you 14 picked them up? 15 A. Put them behind the seat of my 16 truck. 17 Q. So you got out of your truck, you 18 went to those two guns and picked them up 19 and then put them in your truck? 20 A. Correct. 21 Q. And this was all before you went 22 to get the shotgun we're talking about? 23 A. Right.</p> |
| <p style="text-align: right;">Page 34</p> <p>1 Q. So y'all got out at Bobbie's 2 property? 3 A. Right. 4 Q. And where did you park your truck? 5 A. It was a cul-de-sac. So I just 6 parked right on the side of the road. 7 Q. You were on the pavement? 8 A. Yes, sir. 9 Q. And you and BJ got out? 10 A. No. BJ didn't get out. 11 Q. BJ stayed in the truck? 12 A. Correct. 13 Q. Why didn't BJ get out? 14 A. I don't know. We weren't there 15 but like five seconds. 16 Q. Well, I thought he was going to 17 show you where the guns were. 18 A. Well, he just pointed over there. 19 There was two laying right beside the 20 asphalt and the other one was on the trail. 21 It was probably maybe seventy-five foot off 22 the road. 23 Q. Okay. So the two that were laying</p> | <p style="text-align: right;">Page 36</p> <p>1 Q. Had you ever seen that shotgun 2 before this day, the one that brings us here 3 today? 4 A. I had seen it before. But that 5 was it. 6 Q. You had never shot it? 7 A. No, sir. 8 Q. Had you ever watched Brian shoot 9 it? 10 A. No. 11 Q. Have you ever watched anyone shoot 12 it? 13 A. No. 14 Q. And then you went out to where the 15 shotgun was? 16 A. Yes. 17 Q. Did you see it from the road? 18 A. No, sir. 19 Q. All right. How did you find it? 20 A. BJ told me it was on that trail 21 right there. So I walked over there and it 22 was laying right there on the trail. You 23 couldn't miss it.</p> |

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| <p style="text-align: right;">Page 37</p> <p>1 Q. Now, I'm going to ask you some 2 details about the scene when you got there. 3 You say it was on a trail. Was this like a 4 dirt trail? 5 A. Yes, sir. About maybe a foot and 6 a half wide. 7 Q. Was it one of those trails that's 8 just worn down from people walking on it for 9 years? 10 A. Yes, sir. 11 Q. And you're saying the shotgun was 12 laying on the trail? 13 A. Yes, sir. 14 Q. Do you recall what that -- the 15 color of that shotgun was? 16 A. It was a camouflage color. 17 Different -- tan, green, brown maybe. 18 Q. All right. And what was the 19 position of the gun on the ground? 20 A. If I'm walking down the trail, the 21 stock part of it was kind of not so much on 22 the dirt and the barrel of it was more on 23 the dirt than the rest of it.</p> | <p style="text-align: right;">Page 39</p> <p>1 shell? 2 A. Red. 3 Q. It was a red casing? 4 A. Yes, sir. 5 Q. And did you notice any scuff 6 marks, scratches -- 7 A. I didn't. 8 Q. -- on the gun? 9 A. I didn't notice any. 10 Q. All right. As you approached the 11 gun, what did you do? 12 A. Walked and looked down there and 13 picked it up. 14 Q. Did you take a moment and look at 15 it before you picked it up? 16 A. No, sir. 17 Q. All right. Where did you grab the 18 gun when you picked it up? 19 A. I can't be for sure, but I think I 20 just grabbed it in the middle. 21 Q. You're saying you grabbed it on 22 the receiver or the action or are you saying 23 you grabbed it on the stock?</p> |
| <p style="text-align: right;">Page 38</p> <p>1 Q. Okay. Which end was closer, the 2 stock or the barrel? 3 A. The stock. 4 Q. Was the barrel facing away from 5 you? 6 A. Yes, sir. 7 Q. All right. If you can, as you're 8 approaching the gun, was it facing away to 9 your right, to your left or straight ahead? 10 A. Facing away to the right. 11 Q. All right. So the stock would 12 have been coming to you from the -- toward 13 the left? 14 A. Yes, sir. 15 Q. Which of the sides of the gun was 16 facing up? 17 A. The right side where the shells go 18 in and discharge from was on top. 19 Q. All right. And you said you 20 observed a shell sticking out of the ejector 21 port? 22 A. Yes, sir. 23 Q. Do you recall the color of that</p> | <p style="text-align: right;">Page 40</p> <p>1 A. Probably in between the action and 2 the barrel, just right in the middle of it. 3 Q. All right. So are you saying you 4 actually grabbed it where the barrel and the 5 magazine come together? 6 A. I believe so. 7 Q. Okay. So you didn't grab it at 8 the stock? 9 A. I don't think I did. 10 Q. All right. It sounds like you're 11 not a hundred percent sure. 12 A. I'm not a hundred percent sure 13 because it was a long time ago. I was just 14 in a hurry to pick it up. 15 Q. That's fair enough. And I just 16 want you to tell me what you can recall. If 17 you can't recall, that's fair enough to tell 18 me you can't recall. I'd rather you tell me 19 that than to guess. 20 But as best you can remember, you 21 picked it up grabbing the magazine and the 22 barrel? 23 A. Yes, sir.</p> |

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| <p style="text-align: center;">Page 41</p> <p>1 Q. Are you right-handed or 2 left-handed? 3 A. I'm right-handed. 4 Q. Do you remember which hand you 5 used to grab it with? 6 A. No, sir. 7 Q. Now, this shell casing that was 8 half ejected, you said it was sticking out 9 of the ejector port. Did you pull it out? 10 A. Yes, sir, I did. 11 Q. There at the scene? 12 A. I think I did. 13 Q. Did you pull it out before or 14 after you picked up the gun? 15 A. After. 16 Q. All right. So you picked the gun 17 up and you pulled out the gun casing? 18 A. Yes, sir. 19 Q. Did you do anything else with the 20 gun at that time? 21 A. I just made sure it wasn't loaded. 22 Q. So you examined the gun, you 23 looked in the ejector port down the barrel</p> | <p style="text-align: center;">Page 43</p> <p>1 Q. What did you see? 2 A. Nothing. 3 Q. Okay. Saw no blood? 4 A. No, sir. 5 Q. What else did you do there while 6 at the scene? 7 A. Nothing. I turned around and went 8 back to the truck and put it in the truck 9 and got in. 10 Q. Okay. So you walked back to the 11 truck with it in your right hand? 12 A. I don't know. 13 Q. When you got to the truck, did you 14 put it in from the driver's side? 15 A. Yes, sir. 16 Q. All right. Did you have any words 17 with BJ as you were putting it in? 18 A. No, sir. 19 Q. Did he indicate any interest in 20 looking at the gun while you were putting it 21 in? 22 A. No, sir. 23 Q. Did you put it in stock first or</p> |
| <p style="text-align: center;">Page 42</p> <p>1 to see if there was a shell in there? 2 A. Yes, sir. 3 Q. And you looked in the magazine to 4 see if there was anything in the magazine? 5 A. Well, when you look in that part 6 of it, if there's another one ready to go 7 into the chamber, then you would see it 8 sitting there. 9 Q. Did you observe whether the safety 10 was on or off? 11 A. I didn't look. 12 Q. So you didn't look to turn it off 13 if -- excuse me -- to turn the safety on if 14 it had been off? 15 A. I didn't look. 16 Q. Okay. Once you picked the gun up 17 and while you're still there in the field, 18 did you look the gun over? 19 A. No, sir. 20 Q. Okay. And what was your next step 21 then? 22 A. I looked on the ground to see if 23 there was some blood on the ground.</p> | <p style="text-align: center;">Page 44</p> <p>1 barrel first? 2 A. Barrel first. 3 Q. And you laid it in what position 4 in the truck? 5 A. I lifted -- eased the seat up and 6 I held it back by the stock and laid it in 7 the truck. And at the time I laid it in 8 there, it was up, you know -- I don't know 9 what the word to use for it. The top was on 10 the top and the bottom was on the bottom. I 11 didn't lay it down sideways. 12 Q. It was straight up and down? 13 A. No. 14 MR. HODGE: He's saying the 15 trigger was on the bottom. 16 A. Right. 17 Q. The trigger was on the bottom? 18 A. Right. I just laid it in like you 19 would be holding it. It wasn't laying on 20 its side. 21 Q. All right. And what was it laying 22 on? 23 A. The other two guns.</p> |

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| <p>1 Q. Okay.</p> <p>2 A. There was numerous -- maybe a 3 jacket, junk, cups or whatever behind the 4 seat.</p> <p>5 Q. Those other two guns, when you 6 first picked them up, did you check to see 7 if their chambers were empty?</p> <p>8 A. No, I didn't.</p> <p>9 Q. Okay. So they could have been 10 loaded, you don't know?</p> <p>11 A. Could have been.</p> <p>12 Q. The shell casing that you pulled 13 out of the gun --</p> <p>14 A. Yes, sir.</p> <p>15 Q. -- what did you do with it?</p> <p>16 A. Put it in the safe.</p> <p>17 Q. All right. So in carrying it back 18 to the truck and then from the truck to your 19 house, did you have it in any coat pocket or 20 a pant's pocket?</p> <p>21 A. I had it sitting in the seat with 22 the shells that BJ throwed out in the seat.</p> <p>23 Q. And then you put it in the safe</p> | <p>1 first.</p> <p>2 Q. But at some point you went back to 3 the hospital?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do you recall whether you had put 6 the guns in your safe before you went back 7 to the hospital?</p> <p>8 A. I really can't recall.</p> <p>9 Q. Did anyone look at that gun before 10 you put it in your safe?</p> <p>11 A. No.</p> <p>12 Q. You were the last person to have 13 the gun before it went in your safe?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. So when you were taking the 16 gun into your house, do you recall whether 17 BJ was with you?</p> <p>18 A. I don't remember if he was at my 19 house with me. If he was, he didn't get out 20 of the truck because I was by myself when I 21 went up the steps.</p> <p>22 Q. So you get to your house and 23 you're going to take the gun -- the three</p> |
| Page 46 | Page 48 |
| <p>1 when you got home?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Did you turn those over to Jim 4 Knowles?</p> <p>5 A. Yes. I gave him the empty shell. 6 I didn't give him the one that hadn't been 7 fired.</p> <p>8 Q. All right. You gave him the one 9 empty shell?</p> <p>10 A. Correct.</p> <p>11 Q. All right. And that's the last 12 time you've seen that shell?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Now, on the drive back from 15 Bobbie's house, you went to your house?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Did you stop anywhere in between?</p> <p>18 A. I'm going to have to say I'm not 19 sure. I'm can't remember if I dropped BJ 20 off at the hospital before I went back to my 21 house or if I went to my house and then went 22 back to the hospital. It was one or the 23 other. But I ain't real sure which one came</p> | <p>1 guns into --</p> <p>2 A. I put all three of them into the 3 safe.</p> <p>4 Q. Tell me what kind of house you 5 were living in at the time. Was it a ranch, 6 a --</p> <p>7 A. It was a mill house.</p> <p>8 Q. A mill house?</p> <p>9 A. It's hard to describe. But it's a 10 cotton mill house.</p> <p>11 Q. All right. And you have a few 12 steps to get up to your porch?</p> <p>13 A. There was a -- At this particular 14 house, the driveway was in the back. And 15 I'm thinking there was seven steps to get up 16 to the porch. And then there was a screen 17 door at the top of the steps.</p> <p>18 You walk in on a little screen 19 porch. And then the back door was right 20 there.</p> <p>21 Q. Okay.</p> <p>22 A. So when I opened up the back door 23 and started to go through the door is when</p> |

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| <p>1 it fell off.</p> <p>2 Q. Okay. Are those wood or concrete</p> <p>3 steps?</p> <p>4 A. Wood.</p> <p>5 Q. Now, when you pulled the -- When</p> <p>6 you got to your house and were pulling the</p> <p>7 gun out of the truck, did you get all three</p> <p>8 of them out at once?</p> <p>9 A. No, I don't think I did. I'm</p> <p>10 pretty sure I got them out -- I got that one</p> <p>11 out by itself.</p> <p>12 Q. You're talking about the shotgun?</p> <p>13 A. Correct.</p> <p>14 Q. All right.</p> <p>15 A. I got that one by itself because I</p> <p>16 opened up the door with my right hand and I</p> <p>17 had it in my left. And when I went through</p> <p>18 the door, it fell off.</p> <p>19 Q. Okay. So the only gun you were</p> <p>20 holding at the time you were holding the</p> <p>21 shotgun was the shotgun? In other words,</p> <p>22 you didn't have the other two guns in your</p> <p>23 hand --</p> | <p>1 Q. With the stock up under your arm?</p> <p>2 A. Kind of like that right there</p> <p>3 (indicating). I opened up the door because</p> <p>4 it opened from this way inwards. And then</p> <p>5 it fell off.</p> <p>6 Q. So you had the stock up under your</p> <p>7 left arm and you were holding or cradling</p> <p>8 the action right in front of the trigger in</p> <p>9 your left hand?</p> <p>10 A. Correct.</p> <p>11 Q. And so the barrel of the gun was</p> <p>12 pointed toward the floor. And as you were</p> <p>13 opening the door, what happened to the</p> <p>14 barrel?</p> <p>15 A. It fell off.</p> <p>16 Q. Okay. Describe for me how it fell</p> <p>17 off.</p> <p>18 A. It fell to the floor. I mean, I</p> <p>19 didn't see any little pieces falling</p> <p>20 anywhere. All I seen was the barrel -- I</p> <p>21 was looking at the door going in the door.</p> <p>22 And when I looked down, the barrel had</p> <p>23 already flipped over halfway and it just</p> |
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| <p>1 A. No, sir.</p> <p>2 Q. -- when you were walking in the</p> <p>3 house?</p> <p>4 A. No.</p> <p>5 Q. And you said you were opening that</p> <p>6 screen door and that --</p> <p>7 A. No. I was opening up -- I opened</p> <p>8 up the screen door which was already on the</p> <p>9 porch.</p> <p>10 Q. Okay.</p> <p>11 A. Opening up the back door, the</p> <p>12 exterior door of the house, is when it fell</p> <p>13 off.</p> <p>14 Q. All right. And it's your</p> <p>15 recollection that you had the shotgun in</p> <p>16 your left hand?</p> <p>17 A. I know it was in my left.</p> <p>18 Q. How were you holding it in your</p> <p>19 left hand? What part of the gun were you</p> <p>20 holding?</p> <p>21 A. Where the barrel meets the -- all</p> <p>22 the action there. I was holding it right</p> <p>23 there kind of --</p> | <p>1 flipped right on to the floor.</p> <p>2 Q. And the barrel actually fell</p> <p>3 entirely out of the receiver?</p> <p>4 A. Correct.</p> <p>5 Q. Again, we like to ask obvious</p> <p>6 questions, so bear with me here. What did</p> <p>7 you do right then when it fell on the floor?</p> <p>8 A. I picked it up.</p> <p>9 Q. All right. Did you grab the</p> <p>10 barrel with your right hand?</p> <p>11 A. I believe I did.</p> <p>12 Q. Right. Did you look at it to see</p> <p>13 why it fell off?</p> <p>14 A. I really wasn't interested in it</p> <p>15 because I was in a hurry.</p> <p>16 Q. Sure. But did you say that you</p> <p>17 tried to put the barrel back in the</p> <p>18 receiver?</p> <p>19 A. I just kind of set it back in</p> <p>20 there enough for it -- it was still wobbly</p> <p>21 when I put it back on there. I just kind of</p> <p>22 stuffed it back on there and stuffed it in</p> <p>23 the safe like it was.</p> |

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| <p>1 Q. Now, you know what the barrel 2 guide ring is on the barrel?</p> <p>3 A. No, sir, I don't.</p> <p>4 MR. HIGEY: Can we take a break?</p> <p>5 I'm going to go get my gun if that's all</p> <p>6 right.</p> <p>7 MR. HODGE: Okay.</p> <p>8 (Whereupon, a short recess was</p> <p>9 taken.)</p> <p>10 Q. Mr. Dennis, I have here an example 11 of a shotgun. And I assume it probably 12 looks somewhat familiar, the basic color and 13 shape and model of the gun in terms of what 14 you saw that day?</p> <p>15 A. Well, his was camouflage.</p> <p>16 Q. Okay.</p> <p>17 A. His looked a little bit shorter</p> <p>18 than that. But it might have been about the</p> <p>19 same length.</p> <p>20 Q. And just for the record, this one 21 here is a solid flat black?</p> <p>22 A. Right. It looks like that way.</p> <p>23 Q. All right. Now, when I asked you</p> | <p>1 A. I can't say it was on there. But</p> <p>2 I know I didn't pick it up.</p> <p>3 Q. Okay. At any point subsequent to 4 that moment, you know, after you put it in 5 the safe, after you got it back out of the 6 safe, do you ever remember seeing this?</p> <p>7 A. No, sir. I don't recall seeing</p> <p>8 it. I didn't look for it.</p> <p>9 Q. When you put the barrel back -- 10 You said you tried to put the barrel back 11 into this receiver after it fell off?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Now, you saw me and how I had to 14 thread this barrel guide ring back on to the 15 magazine tube. Did you have to do that?</p> <p>16 A. I didn't do that.</p> <p>17 Q. All right. Do you remember 18 whether these two items were together?</p> <p>19 A. I do not remember whether they</p> <p>20 were together.</p> <p>21 Q. All right. But you say you don't 22 remember having to thread it on the way I 23 did?</p> |
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| <p>1 about the barrel guide ring -- This here is 2 the barrel, Mr. Dennis, and this is what we 3 call the barrel guide ring right here.</p> <p>4 A. Okay.</p> <p>5 Q. And you can see how when I put the 6 barrel on, that barrel guide ring is in 7 theory -- there we go. You see this gun is 8 not loaded; correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And it's not being pointed at 11 you. I'm pointing it over at the wall; 12 right?</p> <p>13 A. Right.</p> <p>14 Q. And then this is a little locking 15 cap. See how that screws on?</p> <p>16 A. Yes, sir.</p> <p>17 Q. All right. Now, when you were 18 walking in your house and this barrel came 19 off and you went to put it back on, did you 20 have to pick up this locking nut?</p> <p>21 A. No, sir, I didn't.</p> <p>22 Q. Okay. So you're saying this 23 locking nut was still on the magazine tube?</p> | <p>1 A. I didn't take that much trouble to</p> <p>2 put it on.</p> <p>3 Q. Well, you might just be better at 4 it than me.</p> <p>5 A. If it was on there, I must have</p> <p>6 gotten lucky because all I did was jam it</p> <p>7 together and stick it back in the safe.</p> <p>8 Q. So after you put the barrel back 9 onto the gun, you took it into the house and 10 put it in your safe?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And did you -- Is this one of 13 those safes where you can lay the butt of 14 the gun on the ground of the safe and it 15 just stands upright?</p> <p>16 A. Yes, sir.</p> <p>17 Q. All right. And at any point did 18 the barrel ever come off again while you 19 were handling it?</p> <p>20 A. No, sir.</p> <p>21 Q. When you went to get the gun to 22 give to Jim, do you recall how you pulled it 23 out of the safe?</p> |

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| <p>1 A. Grabbed it in the middle.</p> <p>2 Q. So you grabbed it at the barrel?</p> <p>3 A. Pretty much. I didn't grab the</p> <p>4 barrel itself because as far as being the</p> <p>5 only thing I grabbed, I grabbed it in the</p> <p>6 middle where the bottom of it is on there.</p> <p>7 I really don't know all the words, names of</p> <p>8 the parts.</p> <p>9 Q. You never had an issue with the</p> <p>10 barrel coming off after that?</p> <p>11 A. No, sir. It was wobbly, but it</p> <p>12 didn't ever fall off again.</p> <p>13 Q. Now, at any point after you got it</p> <p>14 out of your safe, did you gather with any</p> <p>15 others, could be one other individual or a</p> <p>16 group of individuals, and together look at</p> <p>17 that gun?</p> <p>18 A. No, sir.</p> <p>19 Q. Did you at any point inform Brian</p> <p>20 Bonner of the fact that the gun fell off</p> <p>21 when you were walking into your house --</p> <p>22 excuse me -- the barrel fell off when you</p> <p>23 were walking into your house?</p> | <p>1 Q. Did he ever explain to you why he</p> <p>2 had his right hand on the barrel?</p> <p>3 A. He just said it was jammed or</p> <p>4 something. He said it jammed and he was</p> <p>5 trying to unjam it.</p> <p>6 Q. But he didn't specifically explain</p> <p>7 to you why he had his right hand on the</p> <p>8 barrel?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay. Did he say that he pulled</p> <p>11 the trigger with his left hand?</p> <p>12 A. He didn't say that.</p> <p>13 Q. Okay. Did you tell Brian about</p> <p>14 seeing the shell casing half out of the</p> <p>15 ejector port?</p> <p>16 A. I don't remember if I told Brian</p> <p>17 that. But I know I told Jim that.</p> <p>18 Q. At any point subsequent to this</p> <p>19 accident, have you ever had a conversation</p> <p>20 with BJ wherein he explained to you what he</p> <p>21 was doing immediately before this occurred?</p> <p>22 A. I'm trying to figure out what you</p> <p>23 said.</p> |
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| <p>1 A. Well, I told Jim first. But as</p> <p>2 far as Brian, I can't remember -- he went to</p> <p>3 Birmingham before I seen him. He already</p> <p>4 had surgery and everything.</p> <p>5 So I told him. It was a while</p> <p>6 after. But I know I did tell him it fell</p> <p>7 off. But I can't remember exactly when I</p> <p>8 told him.</p> <p>9 Q. Brian is right-handed, at least he</p> <p>10 was before this incident; right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And it was his right hand that he</p> <p>13 injured?</p> <p>14 A. Yes, sir.</p> <p>15 Q. And he put his right hand as we</p> <p>16 understand it on the end of the barrel in</p> <p>17 order for it to be injured?</p> <p>18 A. That's the way I understand it.</p> <p>19 Q. Have you ever after this accident,</p> <p>20 all the way up to today, asked Brian why he</p> <p>21 put his right hand on the end of the barrel?</p> <p>22 A. I don't recall asking him. I just</p> <p>23 told him it was stupid.</p> | <p>1 Q. Let me ask that one again. Did BJ</p> <p>2 ever tell you what happened after this</p> <p>3 accident?</p> <p>4 A. All he told me was it jammed.</p> <p>5 Q. It jammed?</p> <p>6 A. And Brian took it away from him to</p> <p>7 unjam it. And that's all he told me.</p> <p>8 Q. So you just told me that Brian</p> <p>9 took it away from him, meaning he had the</p> <p>10 gun --</p> <p>11 A. When it jammed.</p> <p>12 Q. -- when it jammed? So it was your</p> <p>13 understanding and BJ told you he had been</p> <p>14 shooting the gun?</p> <p>15 A. At that particular time it jammed,</p> <p>16 he had the gun.</p> <p>17 Q. You don't know whether he had been</p> <p>18 shooting it, though?</p> <p>19 A. I don't know.</p> <p>20 Q. When he said jammed, did he</p> <p>21 explain what he meant by jammed?</p> <p>22 A. No, sir.</p> <p>23 Q. And you never followed up and</p> |

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| 1 asked what do you mean by jammed? 2 A. No, sir. 3 Q. Did he tell you that he had fired 4 the gun and it failed to discharge? 5 A. He didn't say. 6 Q. He didn't say anything to that 7 effect? 8 A. No, sir. 9 Q. What is Brian doing these days? 10 A. I know he's going to school at 11 Southern Union. 12 Q. Do you know what year he is? 13 A. Sir? 14 Q. Do you know what year he is in 15 school? 16 A. No, sir. 17 Q. Do you know how much schooling 18 he's got left at Southern Union? 19 A. No, sir. 20 Q. Do you know what major he's 21 focusing on? 22 A. No, I don't. 23 Q. Come on. You've never asked Brian | 1 A. Race car games. I really don't 2 know all the games he plays. He came over 3 this weekend. But my son was with him. I 4 didn't play none. 5 Q. How old are your kids? 6 A. My oldest son is sixteen. My 7 stepdaughter is fourteen. My youngest son 8 is thirteen and my oldest stepson is I think 9 twenty-four. 10 Q. You've got a handful. 11 A. But he lives in North Carolina. 12 Q. Okay. With Ralph? 13 A. Yes. 14 Q. Okay. What's his name? 15 A. Jason. 16 Q. Okay. All right. Just bear with 17 me here. So you have noticed that Brian 18 likes to play video games. What else does 19 he like to do? 20 MR. HODGE: Object to the form. 21 A. I really don't know. He has a lap 22 top, but I don't ever see him with it, as 23 far as getting on the internet and stuff |
| Page 62 | Page 64 |
| 1 what degree he's taking? 2 A. No, sir. I don't find it 3 interesting. 4 Q. So he is going to school, though, 5 as you understand it? 6 A. Yes, sir. 7 Q. Is he working anywhere, also? 8 A. A job, no, sir. Not that I know 9 of. If he is, he ain't told me about it. 10 Q. And his daddy has got a business; 11 right? When I say daddy, his step-dad Mr. 12 Knowles? 13 A. Yes, sir. 14 Q. Does he work with his step-daddy? 15 A. Not that I know of. 16 Q. What activities does Brian like to 17 do on his off time? 18 A. He likes to try to learn to play 19 video games again. 20 Q. Does he like to do that at your 21 place? 22 A. He does. 23 Q. What games does he like to play? | 1 like that. 2 Q. You have noticed him getting on 3 the internet? 4 A. I haven't noticed it. I know he's 5 got a lap top. But he don't ever bring it 6 with him. Other than that, he comes over to 7 my house mainly to talk to us, play video 8 games. And his grandpa lives at my house. 9 Q. And that would be Tyler Knowles? 10 A. No. 11 Q. Never mind. 12 A. Calvin Owen Clifton. 13 Q. Yes, sir. Does he like to do 14 anything mechanical? 15 A. I know he likes to mess with 16 cars. But I don't think he can do a whole 17 lot with it. 18 Q. What about lawnmowers? I know Mr. 19 Knowles has a lawnmower business. Does he 20 work on lawnmowers? 21 A. As far as I know, Brian has no 22 interest to work on a lawnmower. 23 Q. Is he part of any clubs or |

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| <p style="text-align: right;">Page 65</p> <p>1 associations? 2 A. Not that I know of. 3 Q. He hasn't done any hunting? 4 A. Not that I know of. 5 Q. Or other activity like fishing? 6 A. I don't ever recall seeing him 7 ever fish. 8 Q. Has Brian shot a gun at all this 9 year? 10 A. I do not know. 11 Q. Was Brian ever the type before 12 this accident to be someone that would just 13 pull his gun entirely apart, disassemble it, 14 clean it, put it back together? 15 A. That, I don't know. I don't know 16 if he would do that. I know Cody takes 17 everything apart, his twin brother. But as 18 far as Brian, I really don't know if he 19 would take it apart or not. 20 MR. HIGEY: Those are all my 21 questions. Thank you, Mr. Dennis. 22 EXAMINATION BY MR. MATHIS: 23 Q. I have one or two more. You said</p> | <p style="text-align: right;">Page 67</p> <p>1 C E R T I F I C A T E 2 3 STATE OF ALABAMA) 4 MONTGOMERY COUNTY) 5 6 I hereby certify that the above 7 and foregoing deposition was taken down by 8 me in stenotype, and the questions and 9 answers thereto were transcribed by means of 10 computer-aided transcription, and that the 11 foregoing represents a true and correct 12 transcript of the testimony given by said 13 witness upon said hearing. 14 I further certify that I am 15 neither of counsel, nor of kin to the 16 parties to the action, nor am I in any wise 17 interested in the result of said cause. 18 19 20 ----- 21 CINDY WELDON 22 23</p> |
| <p style="text-align: right;">Page 66</p> <p>1 after you picked up the guns, you were in a 2 hurry? 3 A. Yes, sir. 4 Q. Were you driving fast after you 5 picked up the guns? 6 A. I never drive fast. 7 Q. Never drive fast? 8 A. I get in trouble. Everybody calls 9 me a grandpa driver. 10 Q. Who do you get in trouble from? 11 You get in trouble for driving slow? 12 A. I get into more trouble for 13 driving slow. 14 Q. What kind of roads were you 15 driving on? Were these dirt roads or paved 16 roads? 17 A. Asphalt roads. 18 MR. MATHIS: That's all I've got. 19 Thank you. 20 21 22 23</p> | |

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EXHIBIT F

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|---|---|
| <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 BRIAN BONNER,) 6 Plaintiff,) 7 vs.) CASE NUMBER: 8 PAWN CITY, INC.,) 3:06-CV-00715-MHT 9 et al.,) 10 Defendants.) 11 12 DEPOSITION OF BOBBIE DENNIS 13 In accordance with Rule 5(d) of 14 The Alabama Rules of Civil Procedure, as 15 Amended, effective May 15, 1988, I, Cindy 16 Weldon, am hereby delivering to Alan D. 17 Mathis, the original transcript of the oral 18 testimony taken on the 19th day of 19 September, 2007, along with exhibits. 20 Please be advised that this is the 21 same and not retained by the Court Reporter, 22 nor filed with the Court. 23</p> | <p>1 AGREED that the signature to and the reading 2 of the deposition by the witness is waived, 3 the deposition to have the same force and 4 effect as if full compliance had been had 5 with all laws and rules of Court relating to 6 the taking of depositions. 7 IT IS FURTHER STIPULATED AND 8 AGREED that it shall not be necessary for 9 any objections to be made by counsel to any 10 questions, except as to form or leading 11 questions, and that counsel for the parties 12 may make objections and assign grounds at 13 the time of trial, or at the time said 14 deposition is offered in evidence, or prior 15 thereto. 16 IT IS FURTHER STIPULATED AND 17 AGREED that notice of filing of the 18 deposition by the Commissioner is waived. 19 20 21 22 23</p> |
| Page 2 | Page 4 |
| <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 BRIAN BONNER,) 6 Plaintiff,) 7 vs.) CASE NUMBER: 8) 3:06-CV-00715-MHT 9 PAWN CITY, INC.,) 10 et al.,) 11 Defendants.) 12 13 S T I P U L A T I O N 14 IT IS STIPULATED AND AGREED, by 15 and between the parties through their 16 respective counsel, that the deposition of 17 BOBBIE DENNIS, may be taken before Cindy 18 Weldon, Certified Shorthand Reporter, 19 Commissioner and Notary Public, at the 20 offices of the Wooten Law Firm, 10 2nd 21 Avenue SE, Lafayette, Alabama, on September 22 the 19th, 2007 at 2:30 p.m. 23 IT IS FURTHER STIPULATED AND</p> | <p>1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF: 4 MR. DAVID HODGE 5 PITTMAN, DUTTON, KIRBY & HELLUMS 6 1100 PARK PLACE TOWER 7 BIRMINGHAM, ALABAMA 35203 8 9 MR. NICK WOOTEN 10 THE WOOTEN LAW FIRM 11 10 2ND AVENUE SE 12 LAFAYETTE, ALABAMA 36862 13 14 FOR THE DEFENDANT: 15 MR. ALAN D. MATHIS 16 JOHNSTON, BARTON PROCTOR & ROSE 17 COLONIAL BROOKWOOD CENTER 18 569 BROOKWOOD VILLAGE, SUITE 901 19 BIRMINGHAM, ALABAMA 35209 20 21 22 23</p> |

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| | Page 5 | | Page 7 |
| 1 | MR. TODD M. HIGEY | 1 | BOBBIE DENNIS, |
| 2 | ADAMS & REESE | 2 | after first being duly sworn, testified |
| 3 | 2100 3RD AVENUE NORTH, SUITE 1100 | 3 | as follows: |
| 4 | BIRMINGHAM, ALABAMA 35203 | 4 | EXAMINATION BY MR. MATHIS: |
| 5 | | 5 | THE COURT REPORTER: Usual |
| 6 | ALSO PRESENT: | 6 | stipulations? |
| 7 | MR. ROB RODGERS | 7 | MR. MATHIS: Yes. |
| 8 | | 8 | MR. HODGE: Yes. |
| 9 | | 9 | Q. Would you please state your full |
| 10 | | 10 | name. |
| 11 | | 11 | A. Bobbie Clifton Dennis. |
| 12 | | 12 | Q. And your address is the same as |
| 13 | | 13 | what Mr. Dennis gave us? |
| 14 | | 14 | A. Yes, sir. |
| 15 | | 15 | Q. Please give us your birthday. |
| 16 | | 16 | A. May 9th, 1959. |
| 17 | | 17 | Q. And then the highest level of |
| 18 | | 18 | education you completed. |
| 19 | | 19 | A. Well, I graduated in '77. And I |
| 20 | | 20 | just had some college. I did pulmonary |
| 21 | | 21 | testing and stuff like that. |
| 22 | | 22 | Q. Where did you graduate from? |
| 23 | | 23 | A. Lanett High School. |
| | Page 6 | | Page 8 |
| 1 | INDEX | 1 | Q. Where did you attend college? |
| 2 | | 2 | A. I think it was Chapel Hill, North |
| 3 | EXAMINATION BY: | 3 | Carolina. I can't remember the exact name |
| 4 | MR. MATHIS | 7 | of it. |
| 5 | MR. HIGEY | 51 | Q. And you said it was to study |
| 6 | | | pulmonary testing? |
| 7 | | 7 | A. Yes, sir. That's where I did |
| 8 | | 8 | that. |
| 9 | | 9 | Q. Was it the University of North |
| 10 | | 10 | Carolina or was it -- |
| 11 | | 11 | A. It's something -- I know my |
| 12 | | 12 | company sent me there. We had to go there |
| 13 | | 13 | for schooling and stuff to do that. And we |
| 14 | | 14 | had to do the hearing test and stuff like |
| 15 | | 15 | that. |
| 16 | | 16 | Q. Do you remember how long you |
| 17 | | 17 | attended there? |
| 18 | | 18 | A. About six months, I think, for |
| 19 | | 19 | each thing. |
| 20 | | 20 | Q. Six months for each? |
| 21 | | 21 | A. For each. |
| 22 | | 22 | Q. And how many were there again? |
| 23 | | 23 | I'm sorry. |

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| 1 A. Pulmonary testing and audiology. | 1 A. She's my younger sister. |
| 2 Q. Where do you work now? | 2 Q. Are you close to Brian, also? |
| 3 A. I'm not working right now. | 3 A. Yes. |
| 4 Q. Where have you worked? | 4 Q. How often do you see him? |
| 5 A. I worked for West Point Stevens | 5 A. At least once or twice a week. |
| 6 for twenty-five years at Lanier Carter Mill | 6 Q. What do you do when you get |
| 7 and I worked at Bentler Automotive for like | 7 together with them? |
| 8 seven months. | 8 A. Well, mostly he comes over -- My |
| 9 Q. When did you work at both of | 9 dad lives with me now. He comes over to see |
| 10 those? | 10 his PawPaw. And I have two step sons and a |
| 11 A. From 1978 or '79 to 2003 or 4. I | 11 daughter. So he comes over there and kind |
| 12 can't remember. | 12 of hangs out with them. They get on the |
| 13 Q. And Bentler? | 13 computer or things like that, that kids do. |
| 14 A. Bentler, I just worked there -- I | 14 Q. He likes to get on the computer? |
| 15 think that was like the year before last. | 15 A. He likes to play video games. |
| 16 It was like from January of 2005 to July or | 16 Q. Video games. Do you ever shoot |
| 17 August of 2007. 6. I'm sorry. Not 7. | 17 guns? |
| 18 Q. And what did you do at West Point? | 18 A. I have before, yes. |
| 19 A. I was a weaver and whatever else | 19 Q. Have you ever shot guns with |
| 20 they needed me to do. My main job was | 20 Brian? |
| 21 weaving. But I would do the like slashing | 21 A. Yes. |
| 22 and stuff like that. | 22 Q. When was that? |
| 23 Q. What is -- | 23 A. The day that he had the accident |
| Page 10 | Page 12 |
| 1 A. I can't explain exactly what is. | 1 was the time I shot it. |
| 2 Weaving, we made sheeting and stuff like | 2 Q. Is that the only time you've ever |
| 3 that. Mostly like running machines and | 3 shot guns with him? |
| 4 keeping them going and inspecting. | 4 A. Yes. The only time I've shot with |
| 5 Q. What did you do at Bentler | 5 him. |
| 6 Automotive? | 6 Q. Which gun did you shoot? |
| 7 A. I had a -- what we called a | 7 A. You know, I can't really tell |
| 8 sales. And I just put on automotive parts | 8 guns. I just know it was a shotgun. |
| 9 to build frames and then the robots would | 9 Q. Do you know if it was the one that |
| 10 weld. And I had to check the weld and | 10 -- |
| 11 things like that. | 11 A. It was not the one he was using. |
| 12 Q. Did you say where that's located? | 12 I do know that. |
| 13 A. Opelika, Alabama. | 13 Q. So not the one that he had the |
| 14 Q. And you are Brian Bonner's aunt? | 14 accident with? |
| 15 A. Yes, sir. | 15 A. Not the one he had the accident |
| 16 Q. His mother's sister? | 16 with. |
| 17 A. Yes, sir. | 17 Q. Have you ever watched him shoot |
| 18 Q. Are you close with your sister, | 18 guns before? |
| 19 Ms. Knowles? | 19 A. I watched him that day. |
| 20 A. Yes, sir. | 20 Q. Just that day? |
| 21 Q. How often do you see her? | 21 A. Yes. |
| 22 A. At least once a week. | 22 Q. That's the only time? |
| 23 Q. Is she your younger sister? | 23 A. Usually my husband is out there |

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| Page 13 | Page 15 |
|---|---|
| <p>1 with them if they are going to shoot. He 2 had been out there with Brian before, but I 3 had not.</p> <p>4 Q. Do you own any guns? 5 A. No, sir.</p> <p>6 Q. Just your husband? 7 A. Yes.</p> <p>8 Q. And you don't ever shoot with him? 9 A. Ever once in a while.</p> <p>10 Q. What do you shoot with him, which 11 guns? 12 A. Just like I said, all I know is 13 the .22 and a rifle.</p> <p>14 Q. Rifle, shotguns, pistols? 15 A. Anything that don't kick, that's 16 what I'll shoot.</p> <p>17 Q. Just target shooting? 18 A. Yes.</p> <p>19 Q. Do you ever shoot clays, anything 20 like that? 21 A. I tried one time. I don't like 22 that.</p> <p>23 Q. How did that go?</p> | <p>1 hands off unless he knew about it. Keep the 2 safety on and don't ever put it up to your 3 face or anything like that. Never look into 4 the barrel. And always keep them locked up 5 away from kids and things like that.</p> <p>6 Q. Anything else? 7 A. Not really. That's about it.</p> <p>8 Q. Did your husband, either Ralph or 9 Chris, ever teach you anything else about 10 gun safety? 11 A. Just the same old stuff 12 practically.</p> <p>13 Q. Do you remember the day of Brian's 14 injury? 15 A. All I can tell you is it was in 16 the summertime. It was hot outside. It 17 may not have been summer, but I know it was 18 hot because we were raking leaves and 19 burning them.</p> <p>20 Q. You said we. Who else was raking 21 them and burning with you? 22 A. My ex-husband was out there with 23 me. But he went in to watch the ballgame.</p> |
| <p>1 A. Not good. I'd rather shoot at a 2 target.</p> <p>3 Q. Have you ever been hunting? 4 A. Yes, sir.</p> <p>5 Q. What kind of hunting? 6 A. Deer hunting.</p> <p>7 Q. Was that with your husband? 8 A. Ex-husband.</p> <p>9 Q. Was that Ralph? 10 A. Yes.</p> <p>11 Q. When was that? 12 A. Oh, gosh, about fifteen years 13 ago. It's been a long time. That's the 14 first time and last time I went.</p> <p>15 Q. Did you not enjoy that? 16 A. No.</p> <p>17 Q. Have you been taught basic gun 18 safety rules? 19 A. Yes, sir.</p> <p>20 Q. Who taught you those? 21 A. My dad.</p> <p>22 Q. What did he teach you? 23 A. He just taught me to keep your</p> | <p>1 I stayed outside, trying to keep an eye on 2 Brian and BJ.</p> <p>3 Q. Were they the only two out there 4 shooting? 5 A. Yes.</p> <p>6 Q. Do you remember which game they 7 were watching? 8 A. No. It was Alabama. I know it 9 was Alabama. I don't know who they were 10 playing, though.</p> <p>11 Q. If I told you that the accident 12 occurred November 15th of '03, does that -- 13 A. Possibly, yes. Because I just 14 know it was still kind of hot outside and we 15 were burning leaves and whatever else we had 16 out there.</p> <p>17 Q. You said you were trying to keep 18 an eye on Brian and BJ. What did you see 19 them doing? 20 A. Well, I went out there to check 21 and make sure I knew where they were 22 shooting. It was across the road from where 23 I lived. I was burning the leaves in a</p> |

4 (Pages 13 to 16)

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| Page 17 | Page 19 |
| <p>1 ditch. So I walked up there. 2 They were like on a hill under the 3 power lines. They were shooting at a 4 cardboard box at the time. And I just 5 checked on them and told them to be 6 careful. And then I turned around to go 7 back to raking the leaves and watching the 8 fire and that's when I heard the gunshot. 9 And then I heard -- I couldn't 10 tell if it was Brian screaming or who, but 11 they were saying help me.</p> <p>12 Q. So you had just checked on them? 13 A. Yes. Just ten or fifteen seconds.</p> <p>14 Q. What did you see them doing when 15 you checked up on them? 16 A. They were picking up the shells or 17 whatever they shot. They weren't shooting 18 at the time I went over there. They were 19 showing me places where they had shot on the 20 box and stuff and that was it.</p> <p>21 And they didn't shoot anymore 22 until, you know, I had turned around and 23 started leaving. And that's when they</p> | <p>1 A. It was like toward the woods. It 2 was like toward there. So, you know, it had 3 plenty of space so they wouldn't shoot 4 anybody else. And that's the way they were 5 shooting.</p> <p>6 Q. Was it open space or were there 7 woods? 8 A. It's like half and half, I think.</p> <p>9 Q. Were they shooting -- When you say 10 half and half, were they shooting toward the 11 woods or was it half and half in front of 12 them? 13 A. The power lines were like clear 14 and then there's woods after that.</p> <p>15 Q. Okay. And you said they were 16 standing underneath the power lines? 17 A. Pretty close to them. Not right 18 under them. I think the box was like on a 19 hill. So it would kind of -- you know, if 20 they shot, it wouldn't go too far.</p> <p>21 It would go in that -- like a dirt 22 hill behind it. It wasn't really big. But 23 it was big enough for them to shoot through.</p> |
| Page 18 | Page 20 |
| <p>1 shot-- that's the last time I heard them 2 shoot.</p> <p>3 Q. So there was just one more shot 4 after you had turned around and -- 5 A. That's all I heard, yes.</p> <p>6 Q. Were they having any problems with 7 the gun that you could see? 8 A. Not at the time.</p> <p>9 Q. Did they say anything about the 10 gun jamming or any other problems with it? 11 A. Not until after we got to the 12 truck or the hospital. I can't remember.</p> <p>13 Q. But when you checked on them, they 14 didn't say anything about the -- 15 A. They were over there picking up 16 the shells and stuff that they had already 17 shot.</p> <p>18 Q. And they were showing you the 19 targets they had been shooting? 20 A. Yes.</p> <p>21 Q. What direction were they shooting 22 in? Was it toward the back part of the 23 house or --</p> | <p>1 Q. Do you know which gun they had 2 been shooting when you came over and checked 3 on them? 4 A. They were shooting two guns, I 5 think, both the one that he had the accident 6 with and I think another one. But I can't 7 remember. I know they had two or three guns 8 that day. And I shot the one that didn't 9 injure.</p> <p>10 Q. The shotgun? 11 A. Yes.</p> <p>12 Q. Who was holding the guns they were 13 shooting at the time? 14 A. At the time I checked on them?</p> <p>15 Q. When you checked on them, yes. 16 A. I don't think anybody was holding 17 a gun at the time. I think they had them 18 laid down at that time.</p> <p>19 Q. Just laid at their feet on the 20 ground? 21 A. Yes. Because they were picking up 22 the shells. I don't remember either one of 23 them having a gun holding it.</p> |

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| <p style="text-align: right;">Page 21</p> <p>1 Q. And so when you turned around to 2 walk back toward the house, the last thing 3 you saw, the guns were on the ground?</p> <p>4 A. That's the last thing I saw. They 5 were picking up shells because we had told 6 them to make sure they picked up their 7 mess. So I guess that's why they were 8 picking them up at the time.</p> <p>9 Q. Did you hear anything else after 10 you turned around, any conversation with 11 them? Were they saying anything to one 12 another?</p> <p>13 A. No. All I heard is that gunshot 14 and heard them screaming for help. That's 15 all I heard.</p> <p>16 Q. How far away were you from them?</p> <p>17 A. I was further from here to there 18 (indicating). It was like ten or fifteen 19 seconds I had walked away from them.</p> <p>20 Q. When you checked on them, though, 21 you were right next to them?</p> <p>22 A. Yes.</p> <p>23 Q. So you were right next to them,</p> | <p style="text-align: right;">Page 23</p> <p>1 him straight to the hospital.</p> <p>2 Q. How far away were they from the 3 house when they were shooting the guns?</p> <p>4 A. I'm very bad with feet. I'm going 5 to say -- this may be wrong -- maybe two, 6 three hundred yards, something like that. 7 They were pretty far from the house.</p> <p>8 Q. So it was taking a while to get 9 back up to the house after the accident?</p> <p>10 A. Yes. Plus we had to run up like a 11 hill.</p> <p>12 Q. So you saw his hand when he ran 13 back toward you?</p> <p>14 A. Yes.</p> <p>15 Q. And could see all the way through 16 the hand?</p> <p>17 A. Practically, yes. I remember the 18 tendons and all that was just out. It was 19 awful. But I knew that he wasn't bleeding.</p> <p>20 Q. Did he say anything when he ran up 21 to you?</p> <p>22 A. He was just saying please help me.</p> <p>23 Q. Was BJ saying anything?</p> |
| <p style="text-align: right;">Page 22</p> <p>1 the guns were on the ground and you turned 2 around started walking back to the house?</p> <p>3 A. Yes. I'm thinking it may have 4 been fifteen yards maybe.</p> <p>5 Q. And the only thing you heard after 6 you turned around was the gunshot?</p> <p>7 A. Yes. And I started hearing 8 screaming help me. That's all I heard. And 9 I started running back to them. I met Brian 10 coming from that direction holding his 11 hand. That's when I knew what had happened.</p> <p>12 Q. And then what happened?</p> <p>13 A. We were just screaming for help 14 then for Ralph and his step daddy Jim to 15 come out and nobody could hear us. We had 16 screamed so much, that we couldn't scream no 17 more.</p> <p>18 And then I just took my shirt off 19 so we wouldn't look at it because it wasn't 20 bleeding. It was cauterized. And all I 21 remember is when we got to the truck, they 22 were running out and they seen what happened 23 and they just got him in the truck and took</p> | <p style="text-align: right;">Page 24</p> <p>1 A. He was just like white. He was 2 pale. He kept falling down trying to run. 3 I remember that.</p> <p>4 Q. Did you say anything to them when 5 they ran up to you or when you heard the gun 6 shot?</p> <p>7 A. I was like -- kind of just like 8 stiff I guess because I knew that one of 9 them had to have been shot, but I just 10 didn't know which one. I was kind of like 11 numb at the same time.</p> <p>12 And when I started running back 13 toward them, when Brian came out, I knew 14 then who it was and what had happened.</p> <p>15 Q. Did you say anything to him?</p> <p>16 A. I was just like what happened, 17 what happened. He was just saying help me, 18 help me. And that's all.</p> <p>19 Q. And then you said you were --</p> <p>20 A. I was screaming.</p> <p>21 Q. -- running back up the hill?</p> <p>22 A. Running and screaming.</p> <p>23 Q. To the house?</p> |

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|--|---|
| <p>1 A. Yes.</p> <p>2 Q. And Ralph and Jim came out of the</p> <p>3 house?</p> <p>4 A. Yes. Finally they came out when</p> <p>5 we got close to the house. But BJ had ran</p> <p>6 up there, I think, and got them to the door</p> <p>7 because we couldn't scream anymore. That's</p> <p>8 when they finally came out.</p> <p>9 Q. So BJ had run on up ahead and gone</p> <p>10 in the house?</p> <p>11 A. Yes. See, BJ had just been in a</p> <p>12 terrible wreck. He had been in the</p> <p>13 hospital. He had a really bad balance, but</p> <p>14 he was trying his best to run up there.</p> <p>15 Q. He had injured himself in the</p> <p>16 wreck?</p> <p>17 A. He had a -- He was in intensive</p> <p>18 care for a while in Children's Hospital in</p> <p>19 Birmingham. I don't think he had been out</p> <p>20 of the hospital long. He still had like a</p> <p>21 little bit of a limp and he was trying to</p> <p>22 run and he kept falling trying to get up</p> <p>23 there to get somebody to come down and help</p> | <p>1 happened. I just don't know the name of the</p> <p>2 road.</p> <p>3 Q. But you don't know the real name</p> <p>4 of the road or the road number or anything?</p> <p>5 A. No. We used to travel it every</p> <p>6 day to go to our camp. I can't even think</p> <p>7 of the name of it and I've been there --</p> <p>8 I've been living there forever.</p> <p>9 It was called River Road,</p> <p>10 Riverview. You go toward Riverview. That's</p> <p>11 where it happened.</p> <p>12 Q. You said he was in intensive care</p> <p>13 in Children's Hospital?</p> <p>14 A. Yes.</p> <p>15 Q. In Birmingham?</p> <p>16 A. Yes. Birmingham.</p> <p>17 Q. How long was he there?</p> <p>18 A. For several months.</p> <p>19 Q. Do you know, two, three, four?</p> <p>20 A. I'm going to say approximately</p> <p>21 four.</p> <p>22 Q. How old was BJ at the time?</p> <p>23 A. About thirteen maybe. Fourteen,</p> |
| <p>1 us.</p> <p>2 Q. So this was a car accident?</p> <p>3 A. Yes, he was in a car accident.</p> <p>4 Q. And he had injured his leg?</p> <p>5 A. Actually it was his brain. His</p> <p>6 head hit. He was in the back of a truck and</p> <p>7 he got thrown out of the back of the truck.</p> <p>8 Q. What effects did he have from</p> <p>9 that?</p> <p>10 A. He was kind of -- He couldn't keep</p> <p>11 his coordination and -- I can't remember</p> <p>12 everything else. I just know he was in the</p> <p>13 hospital. I think he had a stroke while he</p> <p>14 was in there because they said that he was</p> <p>15 very blessed to be alive.</p> <p>16 Q. Where did the accident occur, the</p> <p>17 car wreck?</p> <p>18 A. It was in Valley. What I call</p> <p>19 Back Water Road. It was on the road like --</p> <p>20 Do you know where the First Baptist Church</p> <p>21 is? You don't know anything about that.</p> <p>22 Q. No. Sorry.</p> <p>23 A. Okay. I know exactly where it</p> | <p>1 fifteen.</p> <p>2 Q. You said he had just gotten out of</p> <p>3 the hospital a little bit before Brian's</p> <p>4 accident?</p> <p>5 A. Yes, sir.</p> <p>6 Q. How long had that been?</p> <p>7 A. I'm going to say maybe a month</p> <p>8 because he had just started to getting to</p> <p>9 come back out. His sister is married to my</p> <p>10 son.</p> <p>11 Q. His sister is Felicia?</p> <p>12 A. Yes.</p> <p>13 Q. And your son is Jason?</p> <p>14 A. Yes.</p> <p>15 Q. And Jason lives in North Carolina?</p> <p>16 A. Yes.</p> <p>17 Q. And Felicia is back here right</p> <p>18 now?</p> <p>19 A. Not now. She had it out with her</p> <p>20 father-in-law.</p> <p>21 Q. That's Ralph?</p> <p>22 A. Yes.</p> <p>23 Q. Were you concerned about BJ firing</p> |

7 (Pages 25 to 28)

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|---|--|
| <p style="text-align: right;">Page 29</p> <p>1 guns after -- in his condition?</p> <p>2 A. Yes.</p> <p>3 Q. Did you talk about that with</p> <p>4 anyone?</p> <p>5 A. Well, I really don't like anybody</p> <p>6 coming over there with their kid and letting</p> <p>7 them shoot a gun, you know, because that day</p> <p>8 we were working in the yard. And that's why</p> <p>9 I was trying to keep my eye on them.</p> <p>10 Q. Had Brian shot guns at your house</p> <p>11 before?</p> <p>12 A. If he did it, he did it with my</p> <p>13 ex-husband and my son.</p> <p>14 Q. But you had not seen them shoot</p> <p>15 guns at that house?</p> <p>16 A. Not as I know of. I had seen them</p> <p>17 shoot them at his house.</p> <p>18 Q. Had Brian been taught basically</p> <p>19 gun safety rules?</p> <p>20 A. As far as I know.</p> <p>21 Q. Did you ask about that since he</p> <p>22 was going to shoot at your house?</p> <p>23 A. I just asked him do you know what</p> | <p style="text-align: right;">Page 31</p> <p>1 his house shooting, it would just be like</p> <p>2 his brothers and him and maybe Jim and maybe</p> <p>3 my son. But I never really did see him</p> <p>4 shoot at my house. I know they would go out</p> <p>5 there and shoot sometimes.</p> <p>6 Q. How many times have you seen him</p> <p>7 shoot before the date of the accident?</p> <p>8 A. At his house, I had seen him shoot</p> <p>9 maybe four or five times. They really</p> <p>10 didn't shoot all day. They would just shoot</p> <p>11 for a little while and come back in.</p> <p>12 Q. Had you seen BJ shoot before?</p> <p>13 A. No.</p> <p>14 Q. Do you know if he had been taught</p> <p>15 basic gun safety rules?</p> <p>16 A. No. I don't know about BJ.</p> <p>17 Q. When you did see Brian and BJ</p> <p>18 shooting that day, did Brian explain any gun</p> <p>19 safety rules to BJ?</p> <p>20 A. They were mostly talking about --</p> <p>21 They were talking about the guns. But I</p> <p>22 don't think they were really describing</p> <p>23 safety. I think they were saying how</p> |
| <p style="text-align: right;">Page 30</p> <p>1 you're doing. And I asked Jim does he know</p> <p>2 exactly what he's doing. And he said yes</p> <p>3 because he had been over stuff with them,</p> <p>4 too.</p> <p>5 Q. Jim said that?</p> <p>6 A. Yes.</p> <p>7 Q. What did Brian say when you asked</p> <p>8 him?</p> <p>9 A. Yes, Aunt Bobbie. That's what he</p> <p>10 always tells me.</p> <p>11 Q. When you'd watched him use guns</p> <p>12 before and that day, was he careful with</p> <p>13 them?</p> <p>14 A. Yes. Because he wouldn't let any</p> <p>15 of the other kids get around. Like my</p> <p>16 daughter Jamie, she was really small at the</p> <p>17 time. If she had friends over, he would</p> <p>18 make sure they were not around them and he'd</p> <p>19 make sure nobody else was up there around</p> <p>20 him that would be -- you know, may get hurt,</p> <p>21 any of the smaller children.</p> <p>22 Most of the time, I know when they</p> <p>23 would be up there -- when they would be at</p> | <p style="text-align: right;">Page 32</p> <p>1 powerful they were and stuff like that.</p> <p>2 Q. Did you see them shooting other</p> <p>3 than the time you went to check on them that</p> <p>4 we just talked about that day?</p> <p>5 A. Just when I shot the shotgun with</p> <p>6 them.</p> <p>7 Q. How much time passed between when</p> <p>8 you shot the shotgun with them and when you</p> <p>9 went to check on them?</p> <p>10 A. I'm going to say two hours.</p> <p>11 Q. So they had been out there a</p> <p>12 while?</p> <p>13 A. Yes.</p> <p>14 Q. When you had checked on them and</p> <p>15 you were walking back to the house and you</p> <p>16 heard the gunshot and the screaming -- I</p> <p>17 know you were concerned about the boys --</p> <p>18 but did you think that that was a quick</p> <p>19 amount of time to pick the gun up off the</p> <p>20 ground and being able to fire it?</p> <p>21 A. Yes. Because it like -- it scared</p> <p>22 me. And then right afterwards was</p> <p>23 screaming.</p> |

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| Page 33 | Page 35 |
|---|--|
| <p>1 Q. But you didn't hear anything else 2 other than the gunshot?</p> <p>3 A. Just that and when he started 4 hollering help me.</p> <p>5 Q. So once you made it back to the 6 house and Ralph and Jim came out, you said 7 they got in the truck and took Brian to the 8 hospital?</p> <p>9 A. Yes.</p> <p>10 Q. Both Ralph and Jim got in the 11 truck?</p> <p>12 A. Yes.</p> <p>13 Q. Was this Ralph's truck or Jim's 14 truck?</p> <p>15 A. Ralph's truck.</p> <p>16 Q. What did you do?</p> <p>17 A. I went inside and got another 18 shirt, then got in my car. And BJ went with 19 me and we went straight to the hospital.</p> <p>20 Q. Did you call anybody before you --</p> <p>21 A. I called Chris.</p> <p>22 Q. Did you call him before you went 23 or on your cell phone?</p> | <p>1 about what happened or anything. I was just 2 afraid, I guess. I don't remember 3 discussing anything with him.</p> <p>4 Q. Did he say anything?</p> <p>5 A. He just kept saying oh, crap. 6 That's all he kept saying.</p> <p>7 Q. He didn't say anything else in the 8 car?</p> <p>9 A. That's all I remember him saying. 10 He kept saying oh, crap and, you know, just 11 little sayings like that like he was upset. 12 That's all I remember him telling me.</p> <p>13 Q. Once you got to the hospital, did 14 you discuss what happened with BJ?</p> <p>15 A. No. Because everybody else had 16 gotten -- everybody else was talking to him.</p> <p>17 Q. Do you remember who all was 18 talking to him?</p> <p>19 A. I think one of the nurses or 20 doctors, the paramedic and all that stuff 21 that were out there. They were there with 22 someone else. But they knew my sister and 23 they were asking him what happened.</p> |
| Page 34 | Page 36 |
| <p>1 A. On the way on my cell phone.</p> <p>2 Q. What did you tell him?</p> <p>3 A. If I can remember, I was just -- I 4 was like frantic. I just told him to go to 5 the hospital because Brian had shot his hand 6 with a shotgun. I just told him we were 7 going right then, we were on our way. 8 That's all I remember telling him.</p> <p>9 Q. Before Ralph and Jim left in the 10 truck, did you say anything to them?</p> <p>11 A. I can't remember. I really can't.</p> <p>12 Q. Did they ask you what had 13 happened?</p> <p>14 A. I can't remember which one. I 15 think one of them asked me what happened and 16 I was like, well, he just shot his hand. 17 That's all I remember that I would have 18 said. I can't really remember.</p> <p>19 Q. Did you talk to BJ about what had 20 happened when you were in the car with him 21 on the way to the hospital?</p> <p>22 A. I really didn't talk to him. I 23 was like -- I didn't really say anything</p> | <p>1 But I know everybody else was 2 talking to BJ. I don't know if they ever 3 talked to Brian or not at that time because 4 they were trying to get him to where he 5 wouldn't hurt.</p> <p>6 Q. Did you ever hear anything that BJ 7 was saying to these other people?</p> <p>8 A. I know they were saying something 9 about the gun wouldn't do something when 10 they were trying to shoot it and it was 11 wobbly or something. I don't know. I don't 12 know what part of the gun it was.</p> <p>13 All I know is he said one part of 14 the gun was wobbly. That's all I can tell 15 you. I really don't know anything else 16 except for what they talked about. So I 17 don't know. I guess Chris went to get it 18 and it was -- it fell apart or something.</p> <p>19 Q. BJ told people that the gun 20 wouldn't do something and that it was 21 wobbly? He said that at the hospital to 22 people?</p> <p>23 A. As far as I know because he never</p> |

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| 1 really directly told me anything. 2 Q. He didn't mention any of that to 3 you in the car -- 4 A. No. 5 Q. -- or right after the accident 6 happened? When you went to check on them, 7 they didn't say anything about having 8 problems with the gun? 9 A. No. Not at that time. 10 Q. But it was only about ten or 11 fifteen seconds after you had checked on 12 them? 13 A. Yes. Because if they would have 14 said something like that to me, I probably 15 would not have let them even keep shooting 16 with that gun. I just don't remember him 17 saying anything else to me after that 18 because we were all like in a panic. 19 Q. When you were at the hospital, did 20 you talk to Jim or Ralph or your sister 21 about what happened? 22 A. All I remember telling anybody was 23 they asked me what happened. I just told | 1 But I never knew. 2 Q. Did he explain what had happened 3 to the gun when he was telling you what 4 happened to the gun? 5 A. Just recently, you know, is when I 6 started hearing what actually happened 7 because I really didn't know all this was 8 going on. The only thing I know is that he 9 said that the barrel was messed up. 10 I don't know exactly what you 11 would call the barrel being messed up 12 because I don't know. 13 Q. Brian said that? 14 A. Yes. 15 Q. Just recently, though? 16 A. Not just recently. It's been 17 maybe three months ago whenever we were 18 supposed to come here before and we didn't 19 get to make it. 20 Q. Who else besides Brian have you 21 discussed his accident with? 22 A. Chris. He just told me what 23 happened when he went to pick it up. |
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| 1 them that I went to check on them and I left 2 and heard the gunshot. That's when I saw 3 Brian coming out. He was yelling help me. 4 I saw them coming out of the woods. 5 And then I knew which one it was 6 that had gotten hurt. I just knew somebody 7 had gotten hurt. That's all I kept telling 8 them. 9 Q. Did they say anything to you or 10 were they just asking questions? 11 A. They were just asking questions 12 like that. They weren't just -- That's all 13 they ever asked me was what happened and 14 what did I see. And that's all I saw. 15 Q. Did you talk to Brian at all in 16 the hospital? 17 A. No. Not until after -- I think it 18 was after he went to Children's Hospital 19 when I finally got up to go up there because 20 they kept him sedated most of the time. 21 Q. And how -- 22 A. And he kept telling me that -- he 23 was saying something happened to the gun. | 1 Q. What did he say? 2 A. He just said when he went to get 3 it, you know, it just fell apart. So that's 4 all I knew about that. I didn't go with him 5 to pick it up. 6 Q. Did he say when it fell apart? 7 A. Just when he picked it up is all I 8 know. 9 Q. When he picked it up? 10 A. Yes, when he picked it up. 11 Q. Did he describe exactly what 12 happened or just said it fell apart? 13 A. Gosh dang. I don't remember. I 14 really do not. All I know -- You know, I 15 know they said that the barrel fell off or 16 something. And I don't know if -- I may be 17 telling a lie right here because I can't 18 remember. 19 I don't know if it was when he 20 picked it up or when he took it to his 21 house. All I know is that the barrel fell 22 off or some part in the middle fell apart. 23 Q. Did he tell you anything else |

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| 1 about the gun? 2 A. The only thing they kept telling 3 me is that it should have been checked or 4 something before he shot it. But I didn't 5 know how to check it. 6 Q. Checked by you? 7 A. I guess anybody that knows about 8 guns because, you know, I really don't know 9 a lot about them. I just shoot them 10 sometimes with Chris and my son and that's 11 it. 12 Q. And when did they say this? When 13 did they say that the gun should have been 14 checked? 15 A. Well, they've been saying that 16 like from the time it happened on to now. 17 Q. And who is they? 18 A. Chris. My dad wasn't even around, 19 but he says it. I guess just about 20 everybody. 21 Q. What's your dad's name? 22 A. Calvin Clifton. 23 Q. You said just about everybody. | 1 A. I have no idea. 2 Q. He didn't elaborate on what he -- 3 A. Not to me. 4 Q. -- what he meant? 5 A. That's why I thought for sure he 6 would be here today because he was the 7 number one that was there. 8 Q. BJ didn't say anything else about 9 what happened that day? 10 A. Not to me. 11 Q. Did he tell someone else and then 12 they told you what BJ had told them? 13 A. Not that I recall. I know BJ has 14 talked to -- he mostly talks to the guys. 15 They've been just leaving me out of it 16 because all I knew was that I checked on 17 them and came back and that happened. All 18 that from here on out, him having the 19 surgeries, that's about it. 20 Q. Did the guys talk about it a lot? 21 A. Not around me. 22 Q. Do you know that they talk about 23 it even if you're not there? |
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| 1 Who else has said it should have been 2 checked, if you remember? 3 A. Well, I have lately and my son 4 Jason, BJ, Felicia. I really don't know all 5 Brian's friends, but some of his friends 6 that have been around him. 7 Q. Did anyone else talk to you about 8 the way the gun functioned the day of the 9 accident? Has Brian or BJ after the 10 accident happened ever talk to you about 11 what they remember? 12 A. No. Not -- All I know is -- All I 13 know is when they told me they shot -- when 14 he got shot, he told me that -- BJ said that 15 he was freaking out because at first he 16 thought it got him, too. That's all I know. 17 Q. He said he thought it got him, 18 also? 19 A. Yes. Because of the blast, I 20 guess. I wish he could have came here to 21 talk to you because he's the one that was 22 there. 23 Q. Was the gun pointed at BJ? | 1 A. I know they have, especially after 2 it happened. They were talking about it. 3 But they never did ask me anything except 4 for what did I see. 5 Q. Do they still talk about it a lot? 6 A. Not lately. Not like they did. 7 Q. How long after the accident were 8 they -- did they talk about it regularly? 9 A. Practically just about I guess 10 when Brian would be around. They would 11 start talking to him about it. 12 Q. Have you given a statement about 13 what happened to anyone, whether it was the 14 police or lawyers or anybody? 15 A. Not as I know of. 16 Q. Even just a spoken statement? 17 A. I can't remember. If I did, I 18 can't remember. 19 Q. Have you talked to anyone, whether 20 it's your family or the other people 21 involved or any of the lawyers about this 22 lawsuit? 23 A. Only except that I got this |

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| <p style="text-align: right;">Page 45</p> <p>1 subpoena to come here. That's the only 2 thing I've discussed with anybody.</p> <p>3 Q. When you got the subpoena, what 4 did you do? Did you talk to anybody about 5 it?</p> <p>6 A. I just asked them, I said I 7 thought -- You know, I didn't -- I thought 8 y'all had called it off or something. And 9 then they said this was for something else. 10 And that's the only thing that I was told. 11 So I just said I would be here.</p> <p>12 Q. Who did you talk to about that?</p> <p>13 A. Brian. He didn't know anything 14 about it. He said it must be for something 15 different than what was already going to 16 happen the first time.</p> <p>17 Q. Did y'all talk about anything 18 else?</p> <p>19 A. That's it.</p> <p>20 Q. You called him?</p> <p>21 A. He came by the house and I showed 22 him. I said, look, we've got subpoenas. I 23 thought they called this off. And he said</p> | <p style="text-align: right;">Page 47</p> <p>1 o'clock maybe.</p> <p>2 Q. Did he start shooting right away 3 or did he come into the house for a little 4 while?</p> <p>5 A. They came into the house a little 6 bit, I think.</p> <p>7 Q. What did they do?</p> <p>8 A. I think they got something to 9 drink.</p> <p>10 Q. This is Brian and BJ?</p> <p>11 A. Brian, BJ, Jim and I think Ralph 12 because they were all like talking about 13 what they were going to shoot at and trying 14 to find some targets. I was just 15 overhearing them then.</p> <p>16 Q. Were Jason and Felicia there, 17 also?</p> <p>18 A. They weren't there at the time. 19 They were in town. I think they had gone to 20 the store or something.</p> <p>21 Q. Had they been there before that, 22 though?</p> <p>23 A. I think so.</p> |
| <p style="text-align: right;">Page 46</p> <p>1 no, that's probably for something else. He 2 read it and he goes, I really don't know 3 because I don't know myself.</p> <p>4 Q. Did you talk to anybody else about 5 it?</p> <p>6 A. Chris.</p> <p>7 Q. What did you talk to him about it?</p> <p>8 A. I just told him we had a subpoena 9 to come here.</p> <p>10 Q. What did he say?</p> <p>11 A. He wanted to see it. So I showed 12 him. And he was like, all I did was pick up 13 the gun. I said, well.</p> <p>14 Q. Jumping back just for a second, on 15 the day of the accident, do you remember 16 what time -- about what time Brian got to 17 your house?</p> <p>18 A. It was in the afternoon. I do 19 know that.</p> <p>20 Q. Was it early afternoon, late 21 afternoon?</p> <p>22 A. Gosh, it's been so long ago it 23 seems like. I'm going to say about two</p> | <p style="text-align: right;">Page 48</p> <p>1 Q. Did anyone shoot besides Brian, BJ 2 and you that one shot?</p> <p>3 A. I don't remember if Ralph shot 4 with them or not. But I think he did.</p> <p>5 Q. After they came in the house and 6 got a drink and chatted for a little bit, 7 did they do anything else?</p> <p>8 A. I think that's when they went on 9 the porch. We had a little front porch and 10 they went out there. And that's where I 11 shot with them, was on the porch because we 12 were shooting at a tree. And that's when I 13 shot with them.</p> <p>14 Q. So you shot with them from the 15 porch, and then after that, they walked out?</p> <p>16 A. They went to the field, what we 17 call the field.</p> <p>18 Q. And the only time you saw them out 19 in the field is when you walked up to them 20 and checked on them just a little bit before 21 the accident?</p> <p>22 A. Yes.</p> <p>23 Q. Did anyone else go and check on</p> |

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| <p>1 them?</p> <p>2 A. Not that I know of, no.</p> <p>3 Q. You said that you were out in the</p> <p>4 yard raking and burning leaves --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- while they were shooting? Is</p> <p>7 that what you were doing the whole time they</p> <p>8 were out shooting?</p> <p>9 A. Yes. Just about.</p> <p>10 Q. Could you hear anything other than</p> <p>11 gun shots or could you even hear the gun</p> <p>12 shots?</p> <p>13 A. I heard the gun shots. But I</p> <p>14 didn't hear them talking or something like</p> <p>15 that. I might hear them laugh out loud</p> <p>16 every once in a while, but that was it.</p> <p>17 Q. You couldn't make out anything</p> <p>18 they were saying?</p> <p>19 A. I could hear just conversations.</p> <p>20 Q. How old was Brian at the time?</p> <p>21 A. Let me see.</p> <p>22 Q. Sixteen; is that right?</p> <p>23 A. Sixteen, maybe going on seventeen.</p> | <p>1 Q. Do you remember when that was?</p> <p>2 A. Gosh, I think it was last</p> <p>3 Thanksgiving when we had Thanksgiving</p> <p>4 dinner. I think my husband had a beer. I</p> <p>5 think my -- it was either my husband or my</p> <p>6 son.</p> <p>7 He tasted it and he didn't like</p> <p>8 it. But, you know, sometimes they'll</p> <p>9 acquire a taste for it and they like it</p> <p>10 after that. I don't know.</p> <p>11 MR. MATHIS: Let me take a quick</p> <p>12 break.</p> <p>13 (Whereupon, a short recess was</p> <p>14 taken.)</p> <p>15 EXAMINATION BY MR. HIGEY:</p> <p>16 Q. Ms. Dennis, what's Brian doing</p> <p>17 these days?</p> <p>18 A. Just going to school.</p> <p>19 Q. What year is he?</p> <p>20 A. Excuse me?</p> <p>21 Q. I was wondering -- You said</p> <p>22 Southern Union?</p> <p>23 A. Yes.</p> |
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| <p>1 Q. When they came in and got a drink,</p> <p>2 were they -- what were they drinking?</p> <p>3 A. I think Coke.</p> <p>4 Q. All of them?</p> <p>5 A. Maybe. Usually all we have is tea</p> <p>6 and Coke and water. So a Coke or two.</p> <p>7 Q. Any alcohol in the house?</p> <p>8 A. Oh, no. Well, there might have</p> <p>9 been. But, you know, if there was, my</p> <p>10 husband had it.</p> <p>11 Q. He had it hidden from you?</p> <p>12 A. I don't remember if they had beer</p> <p>13 or not. I know sometimes when they're</p> <p>14 watching games, sometimes they have beer.</p> <p>15 But I had been outside all day doing stuff</p> <p>16 in the yard.</p> <p>17 Q. Did they ever let Brian have beer?</p> <p>18 A. No way.</p> <p>19 Q. Does Brian drink now?</p> <p>20 A. I don't think so. I remember he</p> <p>21 tasted a beer one time and I don't think he</p> <p>22 liked it. So I don't know if he's acquired</p> <p>23 a taste for it or not.</p> | <p>1 Q. What year is he?</p> <p>2 A. I think he just started like a few</p> <p>3 months ago. I can't remember. I do not --</p> <p>4 They tell me all kinds of stuff and it kind</p> <p>5 of goes in one ear and out the other. I can</p> <p>6 just remember them talking about stuff. So</p> <p>7 I know he's going to Southern Union.</p> <p>8 Q. Is he working anywhere?</p> <p>9 A. No.</p> <p>10 Q. Before he got shot that day, did</p> <p>11 anybody drop any of the guns that were being</p> <p>12 used?</p> <p>13 A. Not that I know of.</p> <p>14 Q. Brian is right-handed; right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And so when he would shoot, he</p> <p>17 would shoot with -- he'd pull the trigger</p> <p>18 with his right hand?</p> <p>19 A. I believe so, yes.</p> <p>20 Q. All right. Well, how did he shoot</p> <p>21 his right hand off?</p> <p>22 A. I have no idea. I do not know.</p> <p>23 All I know is that it happened.</p> |

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1 MR. HIGEY: Those are all my
2 questions. Thank you.
3 MR. MATHIS: We're done. Thank
4 you.
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1 **C E R T I F I C A T E**
2
3 **STATE OF ALABAMA)**
4 **MONTGOMERY COUNTY)**
5
6 I hereby certify that the above
7 and foregoing deposition was taken down by
8 me in stenotype, and the questions and
9 answers thereto were transcribed by means of
10 computer-aided transcription, and that the
11 foregoing represents a true and correct
12 transcript of the testimony given by said
13 witness upon said hearing.
14 I further certify that I am
15 neither of counsel, nor of kin to the
16 parties to the action, nor am I in any wise
17 interested in the result of said cause.
18
19
20 -----
21 **CINDY WELDON**
22
23

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EXHIBIT G

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20 November 2005

Re: Brian Bonner Firearms Injury Accident
Norinco Model 98 12 Gage Shotgun
Case No. 40702
ECI File No. 8564

Dear Mr. Hodge:

It is reported that Mr. Brian Bonner attempted to fire his Norinco Model 98 12 gage 18 inch barrel shotgun, serial number 0016971, by pulling the trigger with its chamber loaded and its safety on "Fire". As he did so, he heard a distinct click but the gun did not fire. When he noticed that the barrel was loose and slipping forward, Mr. Bonner caught the barrel to prevent it falling off and pulled it back into the action whereupon the gun discharged and severely injured his hand.

Upon examination of the subject shotgun it was found that the barrel stud intended to retain the barrel in its proper location in the assembled gun had failed through its soldered joint on the barrel. Examination under magnification revealed that the separated solder joint had failed due to inadequate solder flow and adherence in the interface between the stud and the barrel.

Numerous voids and flow faults were evident indicative of improper parts cleaning and fluxing techniques. The attachment of the stud to the barrel was thereby weakened and compromised the integrity of assembly of a nearly new shotgun which showed no signs of abuse, misuse or modification.

The barrel extension locking recess and bolt locking block showed no sign of damage or deterioration other than very minor normal wear. Firing of the gun prior to the accident is therefore judged to have been normal and with the bolt properly locked.

The Winchester-Western "Low Brass" #7 1/2 Factory shot shell fired at the time of the accident was normal in appearance with a moderately flattened battery cup primer and no damage to its plastic case walls or case head reinforce. The shell may therefore be seen to have been fully supported by the barrel chamber and bolt face at the time of firing and to have been subjected to no catastrophic stress or excessive pressure.

The design of the Norinco Model 98 pump shotgun is copied in detail from the Remington Model 870 pump shotgun and employs all of the operating features and mechanical interlocks of the original Remington. Among these features are a spring loaded inertial firing pin and a firing pin block implemented by the bolt locking block that requires that the bolt locking block be fully inserted in its locking recess in the barrel extension before the firing pin will protrude sufficiently to contact the primer of a chambered shell. The spring loaded inertial firing pin is shorter than the channel in the bolt in which it operates so an energetic blow on the head of the firing pin, normally delivered by the impact of the hammer when the trigger is pulled, is required

to drive the firing pin forward against the force provided by its partially compressed retraction spring so as to cause the firing pin to protrude beyond the face of the bolt. Examination of the shotgun fire control assembly showed it to be clean and lightly lubricated with sharp square hammer hook and sear engagements of adequate angle and depth. There were no signs of damage, unusual or disabling wear or post manufacture modification, misuse or abuse. All springs were in place, of proper configuration and functioning correctly. An inert shot shell was prepared with a live primer and loose paper wad but no propellant charge, wad or shot and was inserted in the subject shotgun chamber with the shotgun uncocked and its safety on "Fire". With the hammer full forward in the uncocked or "fired" condition, the barrel was pulled forcibly to the rear to replicate the reported circumstances of the incident. When this was done, the chambered inert shell suffered no marking on the live primer. Since the condition of the subject shell indicates that it was fully chambered and supported by the bolt face at the time of discharge, it follows that at time of firing, the bolt locking block was fully inserted in the barrel extension locking recess and the firing pin blocking function consequently was not activated. Under the test conditions there was insufficient impact force applied to the fired hammer face resting against the firing pin head to cause the firing pin tip to protrude and indent the primer. It should also be noted that should the barrel be located too far forward to enable the bolt locking block to fully engage in the barrel extension locking recess, the ejector spring will escape to protrude behind the rear of the bolt and prevent the hammer face from contacting the head of the firing pin at all. It may therefore be shown that at the time of the discharge the shotgun bolt was locked "in battery" with the gun cocked, chamber loaded, its safety on "Fire" and the bolt locking block fully engaged in the barrel extension locking recess. Under these conditions the inert test shot shell experienced a sufficiently indented primer to cause it to "fire" when a 3 1/2 pound pull was applied to the trigger.

It is my opinion that the distinct click heard by Mr. Bonner just prior to the accident was caused either by the breakage of the faulty barrel stud solder joint or by the loose stud and ring sliding on the magazine tube. It is my opinion that the firearm discharged during Mr. Bonner's attempt to prevent the barrel from falling off due to an inadvertent trigger pull occasioned by the barrel suddenly and unexpectedly breaking off the gun.

The barrel broke off the shotgun due to a manufacturing defect. That defect was a faulty solder joint holding the barrel retaining stud and ring in place.

It is my opinion that the defective barrel retention means on the subject shotgun rendered it unfit for its originally intended design and purpose and created a concealed and unreasonably dangerous condition which would not be anticipated by a user of the gun who was using it in a normal and foreseeable way and that this defect caused the injury of Mr. Brian Bonner.

If I may be of further service please contact me.

Very truly yours

John T. Butters PE